REVENUE REGISTER.

No. 4. MADRAS:—WEDNESDAY, APRIL 15, 1874. [Vol. VIII.

CULTURE OF COCHINEAL.

At the instigation of the Department of Revenue, Commerce, and Agriculture, an experiment is to be made on the Neilgherries in the cultivation of the cochineal insect. The seed—as the insects are called, and which misnomer is due to the fact that at one time the insect was supposed to be a seed—for the present experiment is, we believe, supplied from the small stock yet living in the Public Gardens at Bangalore. The experiment of propagating the *Grana Fina*, as the better kind of insect is called, has proved a failure in Bangalore. Our object in drawing attention to the subject is, to show that instead of making experiments with the finer insect it would be better if the coarser one *(Grana Sylvestre)*, already naturalized in Mysore, was fostered and brought into the market. In the Appendix to the VIth Volume of the Transactions of the Agricultural and Horticultural Society of India, will be found a detailed history of the insect and the steps taken to introduce its culture in India. We there find that towards the end of the last century, the attention of the Court of Directors was drawn to the desirability of introducing the cochineal into India, and, "at the instance of the Committee of Warehouses, in 1788, sealed orders were given to the Captains of some ships proceeding to the Brazils, to procure, if possible, some of the real insect and carry it to the coast." But it was not till 1795 that Captain Neilson had imported and delivered to Dr. Roxburgh, the Superintendent of the Botanical Gardens, some cochineal of the kind called, by the Americans, *Sylvestre.* A portion of these insects were sent to Madras. "The Collectors of Revenue were each furnished with a small quantity, and directed to exert themselves in the most strenuous manner, for the purpose of securing to the public the full advantage of so valuable an acquisition; with a view to which, they were directed to enclose spots of ground, fifty and sixty feet square, at some of the Cusbah villages under each Collector. In March 1796, the Madras Government having determined to hold out the most solid encouragement to the manufacturers of cochineal, directions were given to the Board of Revenue to authorize the Collectors to purchase cochineal from the inhabitants at the rate of one star pagoda per pound." In 1798 the prices paid by Government was reduced to Rupees 2 per pound for the better sort, and 1 Rupee for the second sort. In 1807 the management of purchases of cochineal at Madras was transferred to the Board of

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Trade, who reported that the purchase of cochineal was not an article of profit to the Company, and suggested the propriety of discontinuing the practice. The Government, however, directed purchases to continue. In this determination the Court of Directors expressed their concurrence in the following terms:—"As the prices which we have obtained for the cochineal at our sales have not been such as to reimburse the prime cost and charges, our sole reason for continuing to suffer a considerable annual loss upon this article, has been with a view to encourage the breeding of the insect until it should become perfectly understood among the natives. It now appearing that means of collecting the insect are sufficiently established to encourage individual speculation, provided it can be undertaken with advantage, we can have no longer any reasons to continue to make purchases. Nevertheless, as we have so long been in the custom of receiving the cochineal, our suddenly withdrawing ourselves may, perhaps, be productive of individual inconvenience to those persons who have usually supplied us. We, therefore, direct that notice be published that the quantity to be received in the year 1809 will be limited to 8,000 lbs., and the quantity for 1810 to 4,000 lbs., after which no more will be received on our account, *unless the prime cost can be reduced at least 25 per cent.*"

Long before Government withdrew from the purchase of cochineal, its culture had spread far. In 1801, Dr. Buchanan, when travelling through Mysore, found cochineal in an out-of-the-way taluk of that Province. He wrote—

"I found here (Bailoor) two men, whom an officer stationed at Arcot, employed in rearing cochineal. They have been in this country one year; have sent to their employer fifteen maunds, have fifteen maunds ready for sale; and, before the insects have consumed all the nopals *(cactus)* that are near the town, they expect to have ten maunds more. When this happens, they will carry two men's load of branches filled with the insect, and apply these to the *nopals* of some other place, where they will remain until the insects breed and consume all the plants. The *nopals* have been raised by the farmers as fences round their gardens, but were sold by the officers of Revenue for four *Bahadury Pagodas*, or about a guinea and a half. So soon as all the plants have been consumed, such of the insects as have not been collected, will perish; and the *Amildar* says that he will then compel the farmers to plant new hedges of the *nopal;* but I suspect that few plants will be reared unless the farmers get a large share of the profits, as, indeed they ought, in reason, to do. The hedges will grow up in three years, when it is expected that some other person rearing the insect will come and buy the plants.

"This seems to me to be the most rational plan of any that has been hitherto proposed for rearing the cochineal in India, and to be deserving of the attention and encouragement of Government. The men employed here say that the young insects ought to be put on the new hedges immediately after the rainy season is past. In six months they will have increased so, that they may begin to be collected; and a year more will elapse before the whole plants are consumed. During the course of this year, whenever a leaf is fully loaded, it ought to be cut and the insects scraped from it with a small stick and collected in a basket. When they are in this, a little boiling water is poured on them by which they are killed. They are then well agitated in the basket to remove the hair with which they are covered, and dried for two days in the sun, when they are fit for sale. These men say that all expenses included, the cochineal thus prepared will cost here three *Madras Pagodas* a *maund* of forty seers, each weighing 24 Rupees, which is rather less than 11*d.* a pound. The cochineal is of the bad kind that has been lately introduced into India, and the plant is the

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cactus, that is the aboriginal of the country."—(Vol. II, p. 480).

Past experiments are of little use unless we extract from them the lessons they would teach us. That the *Grana Sylvestre* can be easily propagated in Southern India has been proved by the experiments already made. So long as the Government paid a high price the culture went on increasing, and if the returns are studied, it will be seen that this increase was marvellously rapid. In the year 1798 alone 36,388 lbs. were shipped home; but when the Government reduced the price, the culture of the cochineal ceased. According to the strict rules of political economy, this cessation would be due to the prices offered being no longer remunerative. The reason at first sight appears plausible. A careful examination of Dr. Buchanan's notice of cochineal culture, as carried on in an out-of-the-way taluk of—then—a foreign state however shows that the cessation is due to other causes. In fact, the cessation of cochineal culture is due to the high price paid by Government at the commencement of the undertaking. Dr. Buchanan states that the cost of producing 1 lb. was 11*d*. or, say, 8 Annas. Government offered originally one star pagoda, or Rupees 3-8-0 per pound. So that the profits to the seller ranged somewhere between 5 and 600 per cent!! So large a profit naturally attracted speculative men of some capital to embark in the culture of cochineal. *In fact, in the beginning, a wrong class of persons were induced to take up cochineal.* We see that the men employed in Bailoor had been engaged by *an officer* living at Arcot, who had to send over 300 miles in quest of food for the cochineal insect. It is, of course, unsafe to draw definite conclusions from a single instance; but, in the absence of more detailed information, we are justified in supposing that the culture of cochineal had *not* been undertaken by a poor class of persons who hoped by it to earn a livelihood. No poor person could afford to send his insects 300 miles for food; nor is it likely that such an one would cease cultivating, because Government offered only 25 per cent profit. On the other hand, speculative persons of capital accustomed for some time to 6, 5, or even 300 per cent, would withdraw from an undertaking when the profit had been reduced to 25 per cent.

The culture of cochineal is one in every way suited to the poorer classes. It requires no capital; the coarser insect lives on the indigenous *cactus*, and its operations can be better performed by the delicate touch of women and children. It is a culture well fitted for those indigent Mussulmauns of Mysore, whose means of livelihood have been straitened by the failure of sericulture. The *Grana Sylvestre*, which was the insect with which former experiments were made, has naturalized itself in Mysore. Small quantities of this insect, living on the common *cactus*, may be found scattered here and there throughout the Province. Uncared for and neglected, this little insect has managed for more than half a century to propagate its species, thus proving, better far than any number of experiments, that the climate of Mysore is suited to its habits. Instead, then, of Government wasting both time and money in trying to naturalize the *Grana Funa*, we would strongly recommend attempts being made to revive the culture of the *Grana Sylvestre*.

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CORRESPONDENCE.

To the Editor of the Revenue Register.

SIR,

NOTWITHSTANDING what has been stated to the contrary by X. Y., in his letter published at page 5 of the *Revenue Register* for January, I cannot help thinking that P. is correct in his opinion (Vol. VII, *Revenue Register*, p. 326) that, in the case stated, D takes the land subject to the claim of C. Section 40 of Act VIII of 1865 merely refers to the *mode of sale* and has no reference to the *conditions* under which the property is to be sold. I think that the answer to P.'s question is to be found in Section 38 of the *Rent* Recovery Act (VIII of 1865), from which it is clear that it is only the defaulter's interest in the land that can be sold, and "such interest" is surely subject to any incumbrance which may have been attached to the land by such defaulter.

Yours obediently,

J. W. B.

26th February 1874.

To the Editor of the Revenue Register.

SIR,

I SHALL feel very much obliged if you will kindly insert this letter and obtain me an opinion on the following points in connection with the Stamp Act (Act XVIII of 1869).

1. A demises certain land to B on kanom mortgage for Rupees 1,000. B assigns his kanom interest to C. Is not a stamp of Rupees 5 sufficient for the deed of assignment under Article 13, Schedule I of the Act? or does the fact of the property being *conveyed* to C by the deed of assignment bring it under Section 14 of the Act and make it chargeable with a stamp of Rupees 10 as a conveyance? The *conveyance* of the property being a necessary consequence of the assignment of the mortgage (which is one with possession) I do not think that it comes under Section 14, and consequently it does not require to be stamped as a conveyance.

2. Article 27, Schedule II of the Act prescribes a uniform stamp of 4 Rupees for "reconveyances of mortgaged property." Looking at the words "when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution" used in the Article in question, I think the intention of the Legislature was to lessen the duty on "reconveyances" of more than 400 Rupees in value. A doubt, however, seems to prevail in some quarters that even a reconveyance of 50 Rupees should bear a stamp of Rupees 4. Such a construction would evidently pervert the intention of the Legislature which was, I think, simply to reduce the duty on large documents and not to increase that on small ones. My humble opinion on this point is that "reconveyances" of the value of more than 300 Rupees are only liable to a stamp of Rupees 4, and not those of which the value is below that amount, which should, I think, be stamped as conveyances.

3. The same misapprehension seems to exist in regard to counterparts of documents. It is almost absurd to suppose that a counterpart of a document of Rupees 25 which only requires a stamp of 8, or 2, Annas, as the case may be, should bear a stamp of 1 Rupee invariably. In this case, too, I think the rule applies to those documents only the originals of which require one or more Rupees' stamp.

Yours faithfully,

P. S. R.

HIGH COURT—MADRAS.

HOLLOWAY, ACTING C. J., AND INNES, J.

Declaratory Suit—Office in Temple—Right to possession.

A sued to establish his right to a dharmakartaship, and to the hereditary office of pooja stanika *from which he had been ousted by B. A held under a deed granted to him by the original dharmakartas. B denied A's hereditary right to the office of* pooja stanika, *and*

alleged he had been removed from the dharmakartaship for negligence.

HELD, *that this was not a proper suit for a declaration; that the question was who had the right to possession; that the deed under which A claimed was inefficient to convey rights of trusteeship; but that his title to possession was good.*

R. A. 140 *of* 1872.

Kumarasawmi Gurukkal *v.* Narayanasawmi Mudali and seven others.

THE plaintiff sued to establish his right to the dharmakartaship, and to the hereditary office of "pooja stanika" in the pagoda of Mookteswarar, at Conjeveram, together with arrears of income. It is alleged in the plaint that the plaintiff held the office of "pooja stanika" hereditarily, and dharmakartaship was assigned to plaintiff by certain washermen who were the original dharmakartas, by means of a deed executed in his favour on the 28th December 1858 (marked No. I), which assignment was also confirmed by means of a deed dated 20th December 1869 (A); but that a suit having been brought by plaintiff in the District Munsiff's Court against one Mutu Mooniappah Mudaly, who had usurped some of the pagoda lands, the second defendant, on pretence of arbitrating in the matter, persuaded plaintiff to hand over to him deed No. I and inam title deed No. II, and afterwards, in collusion with first defendant and others, took, forcibly, possession of the pagoda on the 20th September 1870. The defendants deny plaintiff's hereditary right to the office of "pooja stanika," and plead that he was removed from the dharmakartaship by the washermen for neglecting his duties and allowing the pagoda to fall into bad repair, and that the plaintiff, of his own accord, returned deed No. I and title deed No. II to the said washermen, who handed them over to defendants, together with fresh deeds of assignments (Nos. III and IV). The defendants further dispute the correctness of plaintiff's valuation of the shops belonging to the pagoda and the income attached to the pooja stanikaship.

Plaintiff admitted that III and IV are genuine, but denied their validity. The due execution of A was clearly proved by the attesting witnesses and the writer (second, third, and fourth witnesses for plaintiff), and by the statement of defendants' fifth witness, one of the executants. Mr. Foord was of opinion that the evidence of the plaintiff and his second, sixth, and seventh witnesses as to the manner in which second defendant got possession of Exhibits I and II was entitled to more credit than that of defendants' third, fourth, fifth, and sixth witnesses. The three latter are some of the washermen who executed Exhibits I, III, and IV, and the fifth admits having signed A.

It is alleged by defendants and stated by their fourth, fifth, and sixth witnesses, that plaintiff was removed from the dharmakartaship by the washermen for neglecting the duties and repairs of the pagoda, but this is entirely refuted by the express terms of A by which the efficient manner in which plaintiff performed his trust is most distinctly acknowledged. Mr. Foord, therefore, held that nothing passed to the defendants under III and IV, and that plaintiff's hereditary right to the pooja stanikaship was proved by his second, fourth, and fifth witnesses; that the shops in question were worth Rupees 700, and that the annual income attached to the pooja stanikaship was Rupees 120. He, therefore, adjudged that plaintiff's right to the dharmakartaship and "pooja stanikaship" was established, and that the defendants should put plaintiff in possession of the pagoda in dispute together with the shops belonging thereto, and should pay him the income attached to the pooja stanikaship at the rate of Rupees 120 per annum from the date he was dispossessed, that is, 20th September 1870, to date of execution of the decree, with interest thereon at 6 per cent per annum, and costs.

From this decree defendants appealed to the High Court, on the ground that the decree was against the weight of evidence; that A was a fraudulent document; it was unregistered and invalid; that No. I and A have been misconstrued. They did not at all give the plaintiff any permanent right to the dharmakartaship; that such right, even if it existed, had been forfeited by the plaintiff in consequence of his negligence in looking after the affairs of the pagoda; that such right, even if it existed, had also been forfeited by the plaintiff in consequence of his having voluntarily returned and given back documents Nos. I and II; that the income attached to the stanikaship had been wrongly found to be 120 Rupees; that the plaintiff having brought the suit for a declaration of his right only to the dharmakartaship in question, the lower Court was not justified in decreeing the possession of the disputed property to the plaintiff; and that the lower Court was also wrong in having awarded interest.

Miller for appellants.

Johnstone for respondents.

The High Court delivered the following

Judgment:—23rd July 1873.

It was manifest that this was not properly a suit for a declaration. The object of the

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suit and the effect of the declaration would have been to put the plaintiff in possession of that from which he had been ousted. The case has, therefore, been treated by us and argued upon the question of whether there is a right to possession. As to the claim to the dharmakartaship, Document I shows that the plaintiff was a mere appointee as agent. If it professed to transfer rights of trusteeship, it would be invalid, as Document III is also invalid. It has not been attempted to contest the finding of the Civil Judge that Document III did not revoke the authority given by No. I. The case before us, therefore, is that of one who has been ousted from a possession which he held upon a good title by those who have shown none. On the principle of such cases as *Asher* v. *Whitlock* (1, L. R., Q. B., 1) the plaintiff has a right to the restoration of that possession. With the unfounded claims on both sides there ought to be no costs.

HOLLOWAY AND INNES, J. J.

Abkarry contract—Sub-lessee—Interest in immoveables.

A sub-leased to B the right to make and sell arrack and toddy in five villages, and on B, failing to pay rent, sued for arrears. B contended that the lease could not be put in evidence as it conveyed an interest in immoveables, and was not registered.

HELD, *that this sub-contract could not be construed as a demise of immoveables.*

R. A. 125 *of* 1873.

Cundappa Moodelly *v.* Perumal Nattan *alias* Rungasawmi Nattan and another.

THIS was a suit to recover from defendants Rupees 1,532-4-0, principal and interest, being the arrears of rent due under a muchilka, or a contract of sub-leasing an abkarry farm, or right to sell liquor. The facts of the case appear from the judgment of E. F. Elliott, Esq., District Judge of Salem, which was set out as follows:—

"This is a suit to recover from the defendants Rupees 1,532-4-0, principal and interest, being the arrears of rent due under a muchilka together with subsequent interest. The plaintiff says he is the Arrack renter for half of the Oomalore Division, and that, on the 30th August 1869, he entered into an agreement with first defendant, and exchanged a puttah and muchilka between them, whereby first defendant was to ferment arrack in Maroor and five other villages, and sell the same as well as toddy, and pay him (plaintiff) a yearly rent of Rupees 900, commencing from 1st September, Fusly 1279, and ending June, Fusly 1281. Whereupon first defendant paid a deposit of Rupees 150, and agreed to pay monthly, Rupees 75, and in default, to pay 12 per cent interest per annum. The defendant thereupon entered upon the said rental, and held it up till the end of June, Fusly 1281, the rent being paid by him in full from 1st September 1869 till Fusly 1279, and also 1 Rupee on account of the kist for May of that fusly. Subsequently the first defendant, though duly in enjoyment of his lease, has failed to make good the balance of the rent due by him; and hence this suit to recover from him the amount as particularized hereafter, and in the event of the same not being recoverable from him, that the same may be recovered from his surety, second defendant.

Particulars of Claim.

Principal due from 1st November, Fusly 1280, to June, Fusly 1281	1,500	0	0
Deduct amount of deposit ...	150	0	0
	1,350	0	0
One per cent interest thereon ...	182	4	0
	1,532	4	0

The first defendant pleads that this suit by plaintiff is not sustainable in law, because—

1st. The muchilka upon which the claim of plaintiff is based is not registered, and is, therefore, not admissible in evidence as being a document compulsorily registrable.

2ndly. The contract is incomplete, because, out of the six villages sub-let by plaintiff to defendant one called Vepamputty was not at all put in his possession by plaintiff, and, therefore, plaintiff has no cause of action, and defendant is not liable for his claim. The defendant also adds that he has sustained a loss by the non-delivery of possession of Vepamputty by plaintiff, for which he intends filing a separate suit. He prays, therefore, that this suit be dismissed with costs.

The case coming on for first hearing, the following issue in law was settled and heard, and the suit dismissed thereupon as not sustainable in law:—

Issue.

Is the muchilka relied upon by plaintiff, and upon which he bases his claim, a document that is compulsorily registrable under Regis-

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tration Act XX of 1866; and if so, is plaintiff's claim sustainable in law or not?

The defendants' vakeel quoted Volume VI, Madras High Court Reports, Regular Appeal No. 75 of 1870, page 71, in support of his argument that the plaint muchilka upon which plaintiff bases his claim is not admissible in evidence, because a compulsorily registrable document and unregistered.

The Court concurred in opinion that the muchilka in question is a document of a similar description to that referred to in the said High Court Ruling, being a document creating and transferring a right of use of growing trees for a term of years, and, therefore, a document which purports to create or transfer an interest in immoveable property within the meaning of Section 13 of the Registration Act of 1864; and, therefore, not being registered, is inadmissible in evidence.

The lease in question therefore requiring registration not having been registered must be rejected. The Court, therefore, finds on the issue recorded that the muchilka relied upon by plaintiff and upon which he bases his claim is a document that is compulsorily registrable under Registration Act XX of 1866, and that plaintiff's claim is not sustainable in law in consequence of its non-registration, and, therefore, dismisses the suit with one-fourth costs."

From this decision plaintiff appealed to the High Court, on the ground that the muchilka sued on was not a document that was compulsorily registrable under the Registration Act; and that the case at VI, Madras High Court Reports, page 71, is not applicable to this suit.

Scharlieb for appellant:—The case of *Sukri Kardappa* v. *Gundakal Nagireddi*, VI, High Court Reports, page 71, has been misapplied by the Judge. There the plaintiff sued for possession of certain palm trees and for the right to draw toddy from them; and it was decided that, as the right to user demanded for its exercise that the trees should continue as growing trees, it created an interest in immoveables. Here, however, it was only a right to ferment and sell toddy that was passed. The interest in the growing trees, and hence immoveables, might exist in the Abkarry renter himself, but clearly did not exist in the sub-lessee of a sub-lessee, who had only a right to deal with the toddy after its severance from the trees.

Johnstone for respondents:—The toddy was obtained from the growing trees, and unless they continued such the toddy could not be had. Therefore it was an interest in immoveables; and the document required registration.

The High Court delivered the following

Judgment:—*25th February* 1874.

We are of opinion that the judgment must be reversed. It is clear that, under no construction, however strained, could this transaction be construed as a demise of immoveables. Costs will be provided for in the revised decree.

MORGAN, C. J., AND KINDERSLEY, J.

Revenue jurisdiction—Questions of title—Act II of 1864.

Where A sued B to compel acceptance of puttah, and B contended that his permanent lease granted by A's predecessor was binding on him, notwithstanding that A had purchased at a sale for arrears of revenue under Act II of 1864, *by Section* 42 *of which all such sales were to be free of all incumbrances*—

HELD *that, whenever in the course of a summary suit before a Collector, a substantial question of right and title, as in this case, arose, such suit should be dismissed and the question left to be tried by the regular tribunals.*

S. A. 727 *of* 1873.

Narainasawmy Reddy and another
v. Tippoo Saib.

THIS was a suit brought under Section 9 of Act VIII of 1865 to enforce the acceptance of a puttah for acres 24-30-11, at Rupees 37-4-3. Defendant filed a written answer to the effect that he was not bound to accept any puttah, because he and his ancestors held the village of Govindapuram on a permanent lease. The following issue was raised: "Does the sale by Government of the village of Govindapuram for arrears of rent quash defendant's permanent lease, granted to him by the late landlords?" The case having been heard by Mr. J. A. Breeks Atkinson, Head Assistant Collector of Salem, he gave judgment as follows:—

"The plaintiff's argument is that when the village of Govindapuram was sold, all its incumbrances lapsed; that a permanent lease being an incumbrance, it necessarily lapsed. The defendant argues that a permanent lease is not an incumbrance; and even if it was, that the purchaser at the Collector's sale only stands in the same relation to the village as the late landlords did, and that all leases given by the late landlords *in perpetuity* are binding on their successors, be they lineal possessors, or possessors by mortgage, tansfer, or sale. I con-

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sider a permanent lease, although not conclusive, but *bonâ fide*, to be an incumbrance. I can see no distinction between a permanent lease and a sale or mortgage which are incumbrances. It does, however, seem that when the plaintiffs bought the village of Govindapuram at the Collector's sale, they bought it with its incumbrances, and that the maxim of *Caveat Emptor* should apply. This appears to me to be equity. But, whether for political reasons, or for what reason, I find it distinctly laid down in Section 7 of Act XIV of 1859 (Sloan's Code), page 1,172, the words—

"In suits to avoid incumbrances or under-"tenures in all estates sold for arrears of Go-"vernment revenue due from such estate or "other saleable tenure sold for arrears of rent "*which by virtue of such sale becomes freed from* "*incumbrances and under-tenures* the cause of "action, &c."

I also find a judgment of the Privy Council (Sutherland's Privy Council Judgments, pages 548, 552) in which they have held, following an old Bengal Regulation which states the same principle of law as that embodied in Section 7 of the Limitation Act of 1859, that the purchaser of a zemindary, at a sale made for the recovery of the arrears of Government revenue, can avoid previous incumbrances on the zemindary as regards the rent and can enhance the same. Their lordships say, "It (the Bengal "Regulation) provides that, when a zemindary "is sold at a public sale far discharge of arrears "due from the proprietors to the Government, "'all engagements which *such proprietors*' (in "italics) 'shall have contracted with defend-"ant's talookdars, as also all lease to under-"farmers and puttahs to ryots, *shall stand can-*"*celled from the day of sale*' (in italics) and "again, that a power was given to the pur-"chaser, at a Government sale for arrears, "to avoid the subsisting engagements as to "rent."

From these considerations I find that the permanent lease held by the defendant and given by the late landlords is quashed by the purchase of the village by the plaintiffs at a sale for arrears of Government revenue due by the late landlords. I, therefore, find that the defendant is bound to accept a puttah and give a muchilka under Section 10, paragraph 1 of Act VIII of 1865.

And the puttah tendered is admitted to be a proper one.

I, therefore, pass judgment for the plaintiffs, and direct the defendant to accept the puttah, Exhibit B, and to execute a muchilka in accordance with it, and to make good the following damages incurred by the plaintiffs.

From this decision defendant appealed to the District Court of Salem. Mr. E. F. Elliott, the District Judge, reversed Mr. Atkinson's judgment in the following terms:—"This is a suit brought before the Acting Head Assistant Collector under Section 9, Act VIII of 1865, to enforce the acceptance by defendant of a puttah for acres 24-30-11, at Rupees 37-4-3, from plaintiffs as the muttahdars.

The defendant answers that he is not bound to accept any puttah, as he and his ancestors hold the permanent lease of Govindapur village.

The evidence shows, and it is admitted by defendant, that plaintiff became the purchaser of this muttah from Government at an auction sale for arrears of revenue.

The plaintiffs contend the permanent lease of this village was an incumbrance on the estate which lapsed with the sale thereof and became cancelled thereby under the provisions of Section 42, Act II of 1864, and, therefore, they claim now to have the right to issue fresh puttah for the same, and the defendant is bound to accept the same, and they pray for the enforcement of its acceptance by him accordingly under Section 9, Act VIII of 1865.

The defendant sets up *per contra* his title of permanent lessee under the former muttahdar, and claims thereunder that whether or not there was a sale to plaintiffs with this as an incumbrance or otherwise, his permanent lease is legally binding on the successors to the muttahs, be they who they may, lineal possessors or possessors by mortgage, transfer or sale, under the provisions of Section 39, Act II of 1864, and denies plaintiffs' right to demand or enforce an acceptance of puttah by him legally.

The Head Assistant Collector held the permanent lease, held by defendant and given by the former muttahdar, to be quashed by the purchase of this village by plaintiffs at a sale for arrears of Government revenue due by the late landlord, and that the defendant is bound to accept a fresh puttah and give a muchilka in return for the same; and he accordingly adjudged for the plaintiffs, and directed the defendant to accept the puttah B tendered him by plaintiffs, and to execute a corresponding muchilka to them together with costs as stated.

In appeal, the defendant urges that the adjudication of this suit by a Revenue Court, which involves a question of title whether the defendant's permanent lease is or is not valid in law, is wrong; and that the finding of the lower Court that this permanent lease is null and void in consequence of this sale to plaintiffs on account of revenue arrears is equally wrong; and that in point of law this lease is binding on plaintiffs as much as on their prede-

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cessor, the former muttahdar, who gave it. He therefore prays the decision of the lower Court may be reversed.

In answer, the plaintiffs' vakeel contends that he cannot be debarred from a summary suit because defendant chooses to set up a question of title, and that High Court Ruling in Special Appeal on Regular Appeal No. 183 of 1865 is inapplicable to this case, and the lower Court had judrisdiction, and that its ruling is correct under Section 42, Act II of 1864, which distinctly provides that this permanent lease of defendant is cancelled by the sale as an incumbrance on the property sold.

The Court has to consider—

Whether the lower Court had the jurisdiction to try and dispose of this suit, involving as it does, a question of title between the parties.

2nd.—Whether his decision in favour of plaintiffs as against defendant's right of title holding the permanent lease deed of the latter to be cancelled by the sale to the former, is valid in law.

The Court holds in the nagative on both points.

On the first point it is quite patent that there is a question of title involved in this suit *primâ facie*, which must be settled before the claim could be adjudicated upon, and which has been so settled in favour of plaintiffs and judgment given accordingly. The dispute between the parties was as to the superiority of their rights under their respective titles, the plaintiffs claiming as the purchasers at an auction sale for revenue arrears under Section 42, Act II of 1864, and the defendant resisting and contending *per contra* under Section 39 of the said Act, and at the same time claiming under his title of permanent lessee under the previous muttahdar which he submitted to be binding upon plaintiffs as his successors.

The Head Assistant Collector settles the question of title in favour of plaintiffs, holds the permanent lease of defendant to be quashed by the sale to him, and to be not binding on them as the successors to the former lessor, and adjudges for them accordingly, whereas by the High Court Ruling in Special Appeal on Regular Appeal No. 183 of 1865, it has been held that all such cases in which a question of title arises between the parties, cannot be disposed of by a summary suit in a Revenue Court, but by a regular action in a Civil Court, and hence that the Collector has no jurisdiction and cannot adjudicate them, and this the District Judge is of opinion is the ruling to be applied to this case. But even allowing that the Collector had the power of adjudication in this instance, the Court thinks his decision would still have been wrong in holding defendant's lease to be not binding upon plaintiffs under Section 42, when Section 39 distinctly reads *per contra*, which is upheld in effect by High Court Report, Volume IV, pages 396 and 463, Special Appeal No. 129 of 1869 and Special Appeal No. 75 of 1869, holding such lease to be binding on muttahdars' successors. For these reasons the Court holding the Head Assistant Collector had no right of adjudication in this case in the first instance, and secondly, that his adjudication is wrong in law, reverses his decision, and in affirming this appeal, dismisses plaintiffs' suit with costs."

From the decision of Mr. Elliott, plaintiff appealed to the High Court, on the ground that the relation of landlord and tenant not being denied, the question whether the tenant was bound to accept a puttah from his landlord, was a question within the jurisdiction of a Revenue Court under Act VIII of 1865; and that the District Judge being of opinion that the suit was not cognizable by the Head Assistant Collector, he was wrong in proceeding to adjudicate on the validity of the alleged permanent lease.

Scharlieb for appellants.

Nullathumby Moodelly for respondents.

The High Court delivered the following

Judgment:—4th February 1874.

Per Morgan, C. J.—The first inquiry in a summary suit before the Collector, to enforce the acceptance of a puttah under Section 9, Act VIII of 1865 is (see Section 10) "whether the party sued was bound to accept a puttah and give a muchilka, and unless this be proved, the suit shall be dismissed with costs." If in the course of the inquiry a substantial question of right and title is found to arise, or to exist, of such a kind as is ordinarily cognizable by the regular tribunals, the summary suit should, I think, be dismissed, and the parties should be referred to a regular suit for the determination of this preliminary matter. Here the defendant set up a permanent lease at a fixed rent granted by a former proprietor, and this lease the plaintiffs sought to avoid under the provisions of the law (II of 1864) relating to the sales of land for arrears of revenue. The Collector upon being satisfied of the existence of such a question should have dismissed these suits.

Under the law in force before 1865, this would have been the course in a suit under Section 8, Regulation V, 1822. The Collector's jurisdiction as it now exists, does not, in my judgment, under the new law, authorize a different course.

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Being of this opinion, I would affirm the lower Appellate Court's judgment and dismiss this appeal with costs.

KINDERSLEY, J.—I am of the same opinion.

S. A. 728 *of* 1873.

Narayanasawmy Reddy *v.* Fakir Mahommed Sahib and another.

IN this case the subject-matter, pleadings, and judgments are the same as in S. A. 727 of 1873.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

Sale of land for arrears—Notice—Prior attachments—Section 5, *Act XI of* 1859.

A sued to set aside a sale of land for arrears of revenue. The land had been attached in satisfaction of certain decrees some years prior to the sale, and A contended that the terms of Section 5 *of Act XI of* 1859 *had not been complied with. Under that section no estate could be sold for arrears otherwise than after due notice in the District Gazette, except—firstly, where the arrears were other than those of the current year, or the year immediately preceding; secondly, or arrears due on account of estates other than that to be sold; or thirdly, arrears of estates* under attachment *by order of any judicial authority, or* managed by the Collector *in accordance with such order; and the question was whether A's estate fell under the last description. It was contended that this provision only applied to estates held under attachment by the Collector; but it was*

HELD, *that though A's estate was not held under attachment by the Collector, the words* held under attachment by any judicial authority *must not be limited to attachments by the Collector; but apply to all attachments by judicial authority under Act VIII of* 1859.

HELD, *also, that Section* 17 *does not limit the meaning of the words of Section* 5. *Section* 17 *refers to certain cases in which estates are not liable to sale at all.*

HELD, *also, that an estate, any portion of which is under attachment, cannot be said to be free from attachment.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the consolidated appeals of Bunwaree Lall *v.* Mahabeer Proshad Singh and others, from the High Court of Judicature at Fort William in Bengal, delivered 18th December 1873.

Present.

SIR JAMES W. COLVILE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THESE cases, in which the parties are the same and the facts are the same, turn upon a point of law which admits of being very shortly stated. The plaintiffs bring their suit for the purpose of setting aside a sale for arrears of Government revenue. The plaintiffs are the owners of separate shares of the estate in question. Certain decrees had been obtained against the plaintiffs, and attachments had been issued under Act VIII of 1859, some years prior to the sale in question. Upon the application of the plaintiffs themselves, a surburakar or manager was appointed for the purpose of liquidating the debts. It does not appear to their lordships that anything turns upon the appointment of this surburakar. It was, indeed, argued in the Court below, though scarcely contended for here, that the appointment of the surburakar superseded the attachments. Their lordships are of opinion that the attachments were not so superseded, but were in force.

That being so, the estates being thus under attachment, with the exception of one portion belonging to a party of the name of Gooroodoyal, the question arises whether or not the provisions of Section 5 of Act XI of 1859 apply to this case? This enactment provides, "that no estate, and no share or interest in "any estate, shall be sold for the recovery of "arrears or demands of the descriptions men-"tioned below otherwise than after a notifica-"tion in the language of the district, specify-"ing the nature and amount of the arrear or "demand and the latest date on which the "payment thereof shall be received, shall have "been affixed, for a period of not less than "fifteen clear days preceding the day fixed for "the payment, according to Section 3 of this "Act, in the office of the Collector or other "officer duly authorized to hold sales under "this Act in the Court of the Judge within "whose jurisdiction the land advertised lies, "and in the Munsiff Court and Police Thanna "of the division in which the estate or share "of an estate to which the notification relates "is situated." There is no question that this notice was not in point of fact given. The only question that arises is, whether this section applies to the sale of this estate, and in order to determine this it is necessary to read to the end of the section. The arrears or demands described below are:—"First, arrears "other than those of the current year or of "the year immediately preceding. Secondly, "arrears due on account of estates other than "that to be sold. Thirdly, arrears of estates

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"under attachment by order of any judicial "authority, or managed by the Collector in "accordance with such order." The arrears for which the estate in question was sold, were neither of the first nor of the second descriptions; the only question is whether they fall within the third.

Now in this case the estates were not held under attachment by the Collector of the district, and it has been argued that this provision applies only to the case of estates being held under attachment by the Collector. But their lordships are of opinion that to place such a construction upon the words of the Act would unduly limit their plain meaning, and it may be observed that this is to a great extent a remedial Act passed for the benefit of the subject, and in order to relax the stringency of the former Statutes, whereby the Crown was empowered to sell estates for non-payment of revenue. The words of the Act are, "arrears "of estates under attachment by order of any "judicial authority." These words would *primâ facie* apply to all attachments by judicial authority under Act VIII of 1859, which had been passed some two months before in the same session of the Legislature; and it is difficult to suppose that the Legislature having passed that Act should in a subsequent Statute referring to attachments intend to omit a reference to attachments which their previous legislation had regulated.

But it has been said that the second portion of this sentence must limit the construction of the first. That the words "or managed by the "Collector in accordance with such order" must refer to attachments as well as to the mere management by the Collector of estates; but it appears to their lordships that no such construction necessarily follows. They think that the first part of the clause, "arrears of "estates under attachment by order of any "judicial authority," should be read by itself, and thus would have the general significance which I have before expressed. The terms "managed by the Collector in accordance with "such order" would refer to cases in which the Collector may manage estates by an order of judicial authority, which may or may not be an order for an attachment. By this construction both parts of the sentence would cohere; and it does not appear to their lordships that the latter words narrow the plain and obvious meaning of the former.

An argument has been drawn from Section 17 for the purpose of limiting the meaning of the words in Section 5; but their lordships would observe in the first place, that Section 17 refers to a different subject-matter. It refers not to notices to be given, but to certain cases in which estates are not liable to sale at all. The words relied upon are these: "and "no estate held under attachment or managed "by a revenue officer in pursuance of an order "of judicial authority shall be liable to sale "for the recovery of arrears of revenue accru- "ing during the period of such attachment or "management, until after the end of the year "in which such arrears accrue." It may be that in this section the words "held under attachment," may refer to "held under attachment by a revenue officer;" and it may be observed that where the Legislature intend to express this meaning they have used apt words, they have used the words "held under attachment by a revenue officer;" but the circumstance of their having used these words in this section, and having omitted them in the former, tends to strengthen the inference that their meaning in the former was different from what it was in the latter section. The words of the Act being plain, it is not necessary to speculate upon the reasons which may have induced the Legislature to pass them; but if such reasons were to be sought, one has not far to go for them. A creditor obtaining an attachment under Act VIII had an inchoate interest in the land; his debtor could not alienate it, and no judgment-creditor, even if his judgment were prior, who obtained subsequent execution, would have any rights against him. It may be said that the estate was virtually in the custody of the law. That being so, the judgment-creditor had an obvious interest in knowing whether or not the revenue was paid; in other words, in knowing whether or not the estate in which he had an interest was forfeited. It may well be that the Legislature may have thought that, under those circumstances, he was entitled to be informed whether the estate was or was not liable to forfeiture, in order that he might step in, as he might under Section 9 of the same Act, and pay the revenue and prevent the forfeiture.

It has been further argued that the words "arrears of estates under attachment" must refer to estates, the whole of which are under attachment, and that if any portion or any share of an estate, however small, is not under an attachment, the clause does not apply. In their lordships' opinion, this would be to place again an unduly narrow construction and to limit the meaning of plain words. It appears to their lordships that an estate, any portion of which is under attachment, cannot be said to be free from attachment, and is, in fact, subject to attachment. The reasons why the Legislature should direct information to be given to a creditor would apply as much to the case of the creditor having a lien on a small, as to one having a lien on the whole or a large part of the estate.

Entertaining this view, their lordships are of opinion that the judgment of the High Court was right, and they will humbly advise Her Majesty that this judgment be affirmed and the appeal dismissed, with costs.

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OFFICIAL PAPERS.

IMPROVING THE BREED OF HORSES IN COIMBATORE DISTRICT.

Proceedings of the Madras Government, Revenue Department, 13*th December* 1873.

Read the following :—

Proceedings of the Board of Revenue, dated 27th May 1873, No. 872.

Read the following letters :—

From A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 13th December 1872, No. 201.

Vide G. O., No. 1,747, of 6th October 1871, and Miscellaneous Proceedings, No. 3,626, of 17th October 1871.

WITH reference to the further employment of the two Government horses, Sultan and Rajah, I have the honour to report, for the information of the Board, that I do not think their further continuance in this district will be of much use. Of mares covered by the Arab "Sultan," only four foals have been produced, and to the Pony, "Rajah," nine foals.

2. The Arab is niether successful as a stallion nor is he of a good style: heavy neck, straight shoulder, small below the knee; his progeny would not have good working points. The pony, however, is almost perfect in shape; but falls off in the hind quarters. As the horses are in little demand, it would be well to ascertain if they would be wanted in other districts.

From the same Officer, dated 29th April 1873, No. 62.

In your official Memorandum, No. 102, of 27th January 1873, I am called on to forward a copy of the Stud Register of the stallions, "Rajah" and "Sultan," closed up to 31st December 1872; and in G. O., No. 203, of 20th February 1873, the Government have called for a report on the result of the experiment with a statement of receipts and charges.

2. A statement showing the number of mares served by the stallions up to end of December 1872, is herewith forwarded, which shows that eleven out of sixty-one mares covered by "Rajah" and five out of forty-three served by "Sultan," total sixteen, have foaled (ten colts and six fillies); and eight more mares (four by each of the stallions) are in foal. A statement of the receipts and charges is also appended. The following abstract shows the financial result, &c., in one view :—

STALLIONS.	Number of Mares covered.	Number of Foals dropped.	Number of Mares in Foal.	Amount of Fees collected. RS. A. P.	Cost of feed and keep. RS. A. P.
Rajah.					
Up to end of December 1872 ...	61	11	4	152 8 0	
January to March 1873 ...	5	...	2	12 8 0	
	66	11	6	165 0 0	
Sultan.					
Up to end of December 1872 ...	43	5	4	215 0 0	
January to March 1873 ...	3	...	...	15 0 0	
	46	5	4	230 0 0	
Total ...	112	16	10	395 0 0	1,097 3 8

ENCLOSURE No. 1.—Copy of Stud Register of the Government Stallions.

ENCLOSURE No. 2.—Statement of Receipts and Charges.

The Board regret to see that the experiment of Government stallions in Coimbatore has proved a failure. They resolve to submit the Collector's letter to Colonel Thompson, Remount Agent, and to request him to favour them with his opinion as to the cause of the failure.

2. They will also request Mr. Sullivan's opinion on the same point; he is further requested to state whether there is any likelihood

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of some of the mares returned barren having really dropped foals and the fact being left unrecorded.

Proceedings of the Board of Revenue, dated 12th July 1873, No. 1,270.

Read again Board's Proceedings, dated 27th May 1873, No. 872.

Read also the following letter from Colonel T. THOMPSON, Remount Agent, Oossoor, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 14th June 1873, No. 111.

I have the honour to acknowledge the copy of Proceedings of the Board of Revenue, No. 872, dated 27th May 1873, forwarding copies of the "Stud Register" and of the "Statement of Receipts and Charges," from December 1870 to March 1873, of two Government sires employed in the Coimbatore District, and requesting my opinion as to the cause of failure of experiment.

2. I have looked over these papers carefully, and cannot coincide in the opinion expressed by the Board that, as an experiment, it has proved a failure. On the contrary, I think the results very encouraging.

3. These papers show that there are 112 mares in the district sufficiently good to induce the owners to wish to have foals from them by superior sires, and 112 natives sufficiently enlightened to risk money, although in small sums, it is true, on the chance of getting better produce from these sires than they had been getting before without payment.

4. Then, as to the financial bearing of the case, the district has an addition of 16 far better horses than they otherwise would or could ever have had, with the prospect of 10 more, total 26, for a charge upon its local funds, spread over two years, of Rupees 702, exclusive of the interest on outlay of thirteen hundred rupees, cost of sires.

5. The personal interest of the mare-owners of the district can hardly be stimulated *practically*, till some of these 26 colts and fillies come into the market three years hence, and realize, as no doubt some of them will, a greatly enhanced price over the Tats of former years; but if, meanwhile, all the Civil authorities of the district use their best energies, as they should do in so good a work, there can be no reasonable doubt that the fact of the birth of these 26 foals will encourage their owners, and most likely an increased number of other mare-proprietors to avail themselves of the services of the sires meanwhile; and so by the time any of the young stock become saleable, there would be probably nearly one hundred greatly improved and much more valuable horses in the district, at an annual cost, for a few years, of a few hundred Rupees.

6. If a small outlay like this be considered sufficient to crush an experiment of this nature, from which such great results may accrue, what hope can there be of any improvement in the agriculture or cattle-breeding of this country, or how can it ever be improved? Without some expenditure of money to show results *practically* as these superior horses will show, theoretical farming and lecturing is merely waste of time and money.

7. To show the Board that I am not wrong in looking upon the result of this experiment as far as it has gone as a success, I forward, for their perusal, to be returned as I have no duplicate, the "Stud Return" of a similar experiment under the Bombay Government, for 1867-68, the only one I have, from which it will be seen that the produce of 42 sires, covering 1,040 mares, was only 141 foals, or about $3\frac{1}{2}$ foals to each sire and $13\frac{1}{2}$ to each 100 mares; and yet, instead of being deterred by this small result, the breeding has been still carried on and expensive horses are constantly added to the stud.

8. It will be seen further that several of these Bombay sires covered upwards of 20 mares, some upwards of 30, and one up to 43, without getting a single foal; and yet these results, not after a mere trial of two years, but after many, have not been considered sufficiently discouraging to stop the expenditure, or rather loss, which must be very heavy, comparatively speaking, in keeping up a stud of 57 sires.

9. But I am greatly averse to the selection of Arab sires both on account of the first heavy outlay in their purchase and their unfitness to improve the breed of horses in India.

10. Every animal of the equine species indigenous to India has plenty of blood and endurance, but none of them, except the *large* Persian and Heratee, are of sufficient size as to height or substance or bone to make them really valuable animals for the riding and draught required of them, more particularly for Military purposes, which after all should be the object principally and steadily kept in view by Government in all these experiments.

11. By the above, I mean that the Arab, Kattiawar, Mahratta, Pegue, Acheen, Mysore bred, and last of all the Madras Jutka Tat, wherever he may spring from, have all, and the last most of all immense powers of endurance, showing true blood; but all of them are deficient in size and power to carry moderately heavy men long journeys comfortably, or to draw large or heavy conveyances.

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12. Now it is against common sense to think that from mares, such as Coimbatore principally has on hand, running from 14 hands down to 12 hands, and "with traces of good blood in them," which I take to mean a deficiency of bone, and either a highly bred Arab of 14 hands or a pony lower still, any *great* improvement can be carried out: the produce will be only blood-ponies, however good they may be; and horses are what we want in Madras.

13. All the correspondence about this experiment took place whilst I was in England from May 1869 to November 1870; and the first thing I knew of it was a note from Mr. Garstin, saying Government had approved of his Arab horse as a sire for Coimbatore, and that he had been passed sound by a Veterinary Surgeon at Bangalore, and he was sent out here to me to forward to Mr. Sullivan, which I did, without passing any opinion on him, as I considered the matter had been taken out of my hands.

14. But had I been consulted, I should have proposed, instead of one or two high-priced Arabs, the purchase of half a dozen of stout, large-limbed, well made Persian or northern cobs, at about 400 Rupees each; that would have combined in the produce the sire's bone and substance with the dam's blood; and then having succeeded in a few years in getting stout, large-limbed but low horses and mares, taller sires could have been gradually introduced, and so the breed of really serviceable, full-sized horses might have been hoped for, and six such horses, in ten years, would have changed the whole breed of the light, well-bred but comparatively useless ponies, generally bred in the Madras Presidency. Blood is not what we want, but bone.

15. Many causes combine to keep down the number of foals as compared with the number of mares registered as covered; as for instance, many of the mares may be too old.

Some of them no doubt are barren; some may have been *too low* in condition; in fact, "poverty stricken," so to speak; many of them were most likely *too fat*,—a very fertile source of failure; and a great many have been out of season from the length of time taken up in marching them to the horse's station, or before the horse arrived at their villages; but it is gratifying to know that in comparison with the Bombay return of 13½ foals per cent to mares covered, the Coimbatore experiment shows a greatly increased average.

16. It was to avoid the necessity of moving the mares long distances to the stallion stations, or *vice versâ*, and so running the chance of the mares going out of season, that I would have proposed the establishment of six stallions, one at each of the chief mare-villages or taluks in the district, instead of only two, which must cause a necessity for long marches to a vast proportion of the mares covered.

17. It is greatly to be regretted that Mr. Sullivan was not able to carry through, for some years at least, an experiment set on foot by his own exertion, and in which he would naturally have taken the deepest interest.

ENCLOSURE No. 1.—Order of Government, dated 21st July 1869, No. 2,683, Military Department.

The Board resolve to request Mr. Hunter-Blair, Colonel Napier Campbell, and Mr. Robertson, to favour them with such remarks as may occur to them on perusal of the above Proceedings and Colonel Thompson's letter. They will be obliged accordingly if the above-named gentlemen will answer this reference as soon as convenient.

Proceedings of the Board of Revenue, dated 28th August 1873, No. 1,684:—

Read again Board's Proceedings, dated 27th May 1873, No. 872, and 12th July 1873, No. 1,270.

Read also the following letters:—

From A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 22nd July 1873, No. 150.

I have had the honour to receive a copy of Colonel T. Thompson's letter regarding the Coimbatore stallions, and am glad to learn that he does not consider the experiment, so far as the limited space of two years is concerned, as unsuccessful.

2. I was, of course, not aware that such low results as 13½ of foals to 100 mares covered at Bombay was considered sufficiently satisfactory returns for the outlay.

3. However that may be, I desire, in reference to Colonel Thompson's remarks in paragraph 17, to inform Government that I have taken the greatest interest in the welfare and working of the horses, which I found out in the district with their feet nearly destroyed by their shoes not having been changed, since when they have been always left unshod, to their great benefit.

4. I have consulted each Tahsildar where the horses would best go on tour which was duly advertised, so that mares had not to go long distances to be covered, neither had the horses which remained at the cusbah station.

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The horses have always been in first-rate condition. There was no selection of mares except with reference to size, as to horse or pony, but all that came, which were not many, were served, otherwise there would have been dissatisfaction. Those which I personally saw were neither too fat nor too lean, and the owners, at least, hoped for some results for their money. I may have my own views about their suitability, and have expressed the same as regards bone, &c.; but, as property of Government committed to my charge for the benefit of the people, I beg to assure Government that there is no foundation for the implication of want of either interest or exertion on my part as is made in paragraph 17 adverted to of the said letter of Colonel Thompson.

From H. E. SULLIVAN, Esq., Acting Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vanur, 8th July 1873, No. 235.

I have to express my regret that the Board's Proceedings, dated 27th May, No. 872, should so long have remained unanswered. I have been much engaged, and was unable to take up the matter before.

2. Although the results of the experiment undertaken for improving the breed of horses and ponies in the Coimbatore District are not quite so favourable as I anticipated they would be, I do not think that the attempt can fairly be said to have failed. The fact that the owners of mares in the district have paid nearly Rupees 400 in fees to have them covered shows that there is a desire among the people to improve the quality of their stock. Nor do I think that the stallions are entirely responsible for the failures. There are such animals as barren mares, and failures resulting from miscarriages, or the mares or foals dying, should not be placed to the discredit of the stallions which have shown themselves capable of begetting foals. One cause of failure may, I think, be traced to the owners of mares being often in too great a hurry to allow their animals a chance of becoming stinted. A mare covered once when just coming into season, or just going out, will rarely become so; but a ryot who has left his village on some particular business for a day or two often cannot spare the time to wait, and, the mare having been once covered, he returns home and takes his chance of her having become stinted. This happened on more than one occasion when I was in charge of the district. To ensure a reasonable chance of success a mare should be covered three times at intervals of two days.

3. With reference to the Board's suggestion that foals might have been dropped and the fact not reported by the owners of the mares, I should have said that such was very likely to have been the case in some instances had not Mr. Wedderburn recorded the results as "unsuccessful," and, of course, he satisfied himself on this point.

4. I had always intended, had I remained in charge of the district, to have sent the stallions into the Salem District after they had made a tour of Coimbatore, and, if I remember right, this formed a part of my original proposal. If there is not a demand, as stated by Mr. Wedderburn, for the services of the horses in Coimbatore, I would suggest these being sent for a tour through the Salem District. But I should think that at least those owners whose mares dropped foals to the stallions last year would be glad to avail themselves of their services again, and I also beg to point out that, judging from the register, neither of the horses appear to have visited the Bhowany, Suttiamungalum, and Collegal Taluks, and in the Caroor Taluk only one mare seems to have been covered at Arâvacoorchy, which is just on the borders of Dharapuram. This was by the "Sultan" between the 6th and 9th February, and on the 13th he was back again at Pulladum, never having visited the cusbah. The stallion "Rajah" was never in the taluk at all.

5. In conclusion, I think it very probable that many mares have been covered surreptitiously with the connivance of the horse-keepers as the horses were passing through the villages, which, of course, have not found a place in the register. This is to be regretted in a financial point of view; but, if thereby some good blood has been introduced into the district, the object Government had in sending the stallions has been furthered. In regard to the make and shape of "Sultan," which Mr. Wedderburn condemns, I do not myself think he is perfection; but he was selected by Colonel Thornhill, an excellent judge, as good enough for the purpose.

6. The enclosures (two) to the Proceedings under reply are returned herewith.

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 24th July 1873, No. 799.

I have the honour to acknowledge receipt of Board's Proceedings, No. 1,270, of 12th July 1873, forwarding copy of Board's Proceedings, No. 872, of 27th May 1873, and requesting me to favour the Board with remarks on the subject therein referred to.

2. I agree with the Board in considering the experiment a failure as far as it has been tried and looking at it in a financial point of view.

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3. But I do not think the experiment has had a fair trial, nor do I think it ought to be considered financially at present.

4. On the first point, no experiment in horse-breeding can be said to have had any trial at all which has only been carried on for about two years. None of the foals are yet more than a year old, if so much, and the owners of the mares by which these foals have been dropped cannot yet tell whether the produce of the Government stallions is better than that of the stallions which served the same mares on previous occasions. If the foals turn out well, these men, and their friends also, will go on sending their mares to stallions provided by Government even though they have to pay covering fees, and I have little doubt that these foals will be superior to the former ones.

5. The experiment, whether carried on with the same stallions or others, should certainly be continued for at least three or four years, so that the stock produced might be compared with former produce of the same mares.

6. Financially speaking, I think the expenditure of a few hundred, or even 1,000 Rupees, annually, from Local Funds on improving the breed of horses in a district is a very proper charge thereon.

7. Improvement of the breed of horses of a country is really improvement of the means of locomotion, and, if you really improve the horses, locomotion is improved almost as much as by making roads.

8. With reference to the management, class, and number of stallions required for the Coimbatore District, I do not gather from the papers whether the stallions travelled or were stationary. I certainly think the latter the best plan, as they should be kept at stations where some European Officer would superintend their management, &c. Of course, they should only be allowed to cover mares during certain months of the year, if in proper condition, &c., &c.

See Colonel Thompson's letter, paragraphs 15 and 16.

9. As to class, I do not think breeding from a pony-stallion of any practical use. The Arab I have never seen; but if he is a stout, powerful horse he might be kept for mares about his own height.

10. The best class of stallion, I consider, would be a stout, powerful Arab, Gulf Arab or real Persian galloway of 13-2′ or 3′, fit to carry a fourteen-stone man, with good shoulders, straight quarters, and large bone.

11. I agree with Colonel Thompson so far that good blood is not only not required but prejudicial, as the mares are certain to have an ample share of that quality; but I entirely disagree with him as regards northern cobs, which are, I think, the worst class of horse brought to India.

12. As regards the number of stallions, as I would only keep them at stations where some European Officer could look after them, that point could be settled in communication with the Collector.

13. If the present Collector does not take a personal interest in horse-breeding, I think Mr. Grimes, the Superintendent of the jail, would gladly superintend the management of the experiment in Coimbatore.

From W. R. ROBERTSON, Esq., Superintendent of Government Farms, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 17th July 1873, No. 526.

With reference to the Board's Proceedings, No. 1,270, dated 12th July 1873, I have the honour to state that I agree with Colonel Thompson in thinking that the result of the experiment with Government stallions in the Coimbatore District is not discouraging, making due allowance for the difficulties to be overcome in this country in carrying out such an experiment. The percentage of failures is certainly very large, but this was to be expected.

2. The energies of the horses were certainly not overtaxed. It is not at all unusual in England for a stallion to serve sixty mares in a short season of less than three months; indeed, when a stallion has to travel a district under the conditions attached to a prize he may have won at an agricultural show it is generally stipulated that he must serve forty mares (if offered), sometimes as many as fifty in the season.

3. It is highly improbable that the owners of the mares in Coimbatore adopted any of the precautions that need to be observed in the treatment of mares in preparation for the reception of the horse—precautions which require to be all the more strictly observed with mares that have been house-reared and are in regular work. But the necessity for the exercise of care in the treatment of their mares, immediately before, and just after, being served by the horse, must in time become apparent to the owners of the mares and then results of a more satisfactory kind will be obtained. There is no duty connected with farming which demands greater care and the exercise of higher intelligence than the management of brood mares at such times.

4. I am not aware whether a "season" is observed in the Coimbatore District as the

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most desirable time for putting mares to the horse in order that the foals may fall at a favourable time of year. If such a season is observed there seems no reason, providing that proper supervision can be secured or really trustworthy grooms can be obtained, why the horses should not travel during the season in the localities in which their services are in most request.

5. It might be well to increase the number of stallions to six as proposed, and to station one for two or three months in each of the chief divisions of the district, and to return them again to the Stud Depôt until the following season; but the propriety of doing this will greatly depend upon the amount and kind of supervision that can be brought to bear on the grooms in charge of the horses.

6. The horse, in common with all the live stock of this country, shows marked signs of degeneracy, and this is more especially seen in the deficiency of bone. While this defect may, to some extent, be attributed to want of care in breeding from unsuitable animals, it is, I think, chiefly due to insufficient and innutritious food—food especially deficient in bone phosphates.

7. In most countries the size of the horse has much to do with the pasturage of the district in which it is reared. Thus, in England and in Scotland, on the rich pastures of Suffolk, on the land along the banks of the Clyde, and on the fens of Lincolnshire, we find breeds of large horses—the Suffolk Punch, the Clysdale, and the Lincoln or Dray Horse of the London Brewer.

8. But, as I have had occasion to observe over and over again, if the ryot is to improve the size and quality of his live stock, either horses or cattle, he must improve his general farming; must raise a more nutritious and a more abundant supply of food for his live stock, or the greater size of the animals he breeds will tend only to their more rapid deterioration.

From Lieutenant-Colonel N. G. CAMPBELL, R. A., to J. GROSE, Esq., Secretary to the Board of Revenue, dated Bangalore, 29th July 1873.

I have the honour to acknowledge the receipt of copy of the Proceedings* of the Board of Revenue with copies of a letter† from the Remount Agent and Proceedings of the Board.‡

* No. 872, of 27th May 1873.
† No. 111, of 14th June 1873.
‡ No. 1,270, of 12th July 1873.

2. I am not acquainted with the precise object Government had in view when they purchased the stallions referred to in the abovenamed documents for the Coimbatore District, and in the absence of such information I shall presume that the end contemplated was merely the improvement in the breed of horses and ponies which are in general use with the people of the district.

3. If this was the object of the experiment I must concur with the Remount Agent in the opinion that sufficient time has not been allowed for such an experiment to be properly tested or so thoroughly made as to testify an adverse judgment on it being fairly pronounced.

4. In my humble opinion, both the Collector of Coimbatore and the Board of Revenue condemn the experiment for an insufficient reason. If I read correctly they appear to have been disappointed in the number of foals that have been dropped during the first two years of the employment of the stallions, and simply on this account have pronounced the experiment to have been a failure.

5. The Remount Agent, however, properly draws attention to the comparative success of these Coimbatore stallions by a reference to a report on the Bombay Studs, and I think he demonstrates that, if the number of foals produced is to be the test of the success of the experiment, it has been prematurely condemned.

6. On this point I agree with Colonel Thompson. Comparing the procreative feats of "Sultan" and "Rajah" not only with those of the stallions employed at the Bombay Stud, but also with the results reported in the official account of some of the Bengal Studs, I am of opinion that these animals have both fulfilled their respective tasks sufficiently well to save either from the severe reproach cast by the Collector of Coimbatore on the vigour of the horse, for it is to be remembered, that other causes besides the want of capacity on the part of the Master of an Equine Harem operate to prevent conception. Some of these causes Colonel Thompson refers to in paragraph 15 of his letter, and I have no doubt that in this country most of the mares are in too low a condition to allow of their justifying the efforts of their stallions.

7. The trial now being made is not costly, its aim an important one, and I think, therefore, that the arguments advanced by the Remount Agent in paragraphs 3, 4, 5, and 6 of his letter should be regarded as sufficiently potent to induce the Government to lengthen the period of probation.

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8. I concur with Colonel Thompson as to the propriety of employing stallions of the form and breed referred to by him in paragraph 10 of his letter, except that I incline solely to the Persian horse for choice. Of the Northern Cob I entertain an evil opinion, and regret I cannot regard him with the favour in which I am aware he is held by the Remount Agent.

9. In recommending, however, a continuance of the experiment now under review, I must be understood to do so simply because, as it has been commenced, I think it should be fully tested, so that in the event of failure it may not be repeated save under very altered circumstances. Its success I do not expect, nor do I believe that in the existing agricultural state of Southern India will the anticipations of the Remount Agent be realized or any appreciable improvement in the breed of the horses and ponies of the country be brought about from the letting out by Government of stallions to serve the mares owned by the people of the country.

10. To produce and keep up a good and serviceable breed of horses the mere foal-getting is the simplest part of the work. Every experienced and scientific breeder of horses knows that proper food and nourishing pasture are essential for the creation, up-rearing, and continuance of that class of horses which alone it can pay the mare-owner to raise.

11. In Southern India I do not know of any land adapted to produce such food or pasture, and I look to an improved system of farming as the first step that has yet to be taken to prepare the way for providing that nourishment on which, possibly, at a future but yet distant time horses may be successfully bred in this Presidency. The appointment to districts of scientific farmers possessing the abilities and energy of the present Superintendent of the Sydapet Farm would more certainly tend to the final attainment of success in horse breeding, if it ever is to be attained in Southern India, than the scattering over the country in its present state any number of stallions from Shiraz or Herat.

12. Entertaining, as I do, the above opinions on the subject of improving the class of horses employed by the people of the country, it is scarcely necessary for me to add that I deprecate any attempt being made to breed horses in Southern India for military purposes.

If this should be the object "principally and steadily kept in view" by Government in the experiments under discussion, it appears to me so distant of attainment that I may express a hope that when gained there will, in the Madras Presidency at least, be but little need of horses of that class.

13. Any attempts to breed horses in India for military purposes with hope of immediate success are, I believe, possible only in some northern portions of our Indian Empire.

14. In the meantime, not as examples to imitate but as warnings to deter from the useless and extravagant expenditure of public money, we may study the reports of the Bombay and Bengal Studs and be content to look to our Australian Colonies as our safest, best, and most economical horse-market, from which, under the judicious and experienced judgment of Colonel Thompson, the mounted branches of the Madras Army have been, and are, so efficiently horsed.

In answer to the reference contained in G. O., dated 20th February 1873, No. 203, Revenue Department, the Board submit the above correspondence to Government with the following remarks.

2. The Board are glad to find that their apprehension that the experiment must be considered a failure was not well grounded; on the contrary, some good has been done, and the Board would even advocate that the scale of the experiment should be extended.

3. It may be expected that the foals which have already been bred will be a good advertisement for the stallions in the district and that an increased number of mares will be sent to them. The management of the mares is probably faulty in every respect; it has been

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the practice to allow them to run loose or in hobbles over the village tank-bed and waste, and to take no care either to mate them suitably or to feed the colt. Now that the owners have paid a covering fee they will take more care of their young stock, and the success sure to attend even a few trials of careful rearing and good food will urge those who witness it to follow the example.

4. Mr. Hunter-Blair and Lieutenant-Colonel N. G. Campbell are averse to the employment of Persian or Northern Cobs as stallions, and the Board entirely agree with them on this point. The horses to be used should be not more than half a hand higher than the mares they will have to serve, and should be Arabs or Gulf Arabs with good action and as much weight-carrying power as possible.

5. Two more horses of this stamp might, in the opinion of the Board, be usefully employed in Coimbatore and Salem and might be procured in Bombay. The Board believe that the ryots may be expected to learn that more care than has hitherto been taken is necessary to ensure that their mares are stinted when sent in to one of the stallions. The best stations for the stallions would probably be Coimbatore, Kongayam or Erode, Kistnagheri or Darampuri, and Oossoor.

6. The Board would be able to arrange for the selection of two suitable stallions in Bombay should the Government grant their sanction.

Minute by the Hon. W. ROBINSON, C.S.I.
(Here enter 19th November 1873.)

Minute by the Hon. J. D. SIM, C.S.I.

Minute by the Right Hon. the GOVERNOR.
(Here enter 27th November 1873.)

Order thereon, 13th December 1873, No. 1,422.

The Government do not consider any further extension of the experiment desirable, but sanction its continuance for another year on the present scale.

2. They are of opinion that the fees for service should be raised, so as more nearly to meet the expenditure incurred.

(True Extract.)
(Signed) D. F. CARMICHAEL,
Secretary to Government.

EXCISE DUTY ON COUNTRY BREWED BEER.

Proceedings of the Madras Government, Revenue Department, 1st December 1873.

Read the following Proceedings of the Board of Revenue, dated 1st October 1873, No. 1,981 :—

Read the following letters :—

From J. H. MASTER, ESQ., Collector of Bellary, to J. GROSE, ESQ., Secretary to the Board of Revenue, dated 7th July 1873, No. 219.

As directed in G. O., No. 572, dated 4th June 1873, communicated by the Board of Revenue with their endorsement dated 25th idem, I have the honour to submit a report on the working of the beer excise system generally during the Revenue year ending 30th June 1873.

2. The licenses are, with slight alterations and amendments, granted in accordance with the Forms K. and H. appended to Standing Order, No. 198, Dalyell's Edition. The words "all spirituous and fermented liquors other than those included in the Abkarry Farm" in the 1st paragraph of the license under Form K. are altered into "beer." The conditions referred to in the Proceedings of the Board of Reveme, No. 869, dated 31st May 1872, relative to the payment of an excise duty of 1 Anna per Imperial gallon on all beer leaving the factory, and to the prohibition of the use of more than 8 per cent of alcohol, are appended to the conditions of the license under Form H.

3. As the excise system was, under the instructions of the said Proceedings, commenced from the 1st July 1872, the Return of the total collections under this head is herewith furnished up to the end of the year, viz., to the 30th June 1873.

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4. In the town of Bellary the persons named in the margin have been licensed to manufacture and sell beer.

Messrs. Norton and Co.
" D. and M. Abraham.

5. The number of shops opened by Messrs. D. and M. Abraham in the town of Bellary for the sale of beer by retail is six, whereas Messrs. Norton and Co. have not only opened twelve beer shops in the town but also have obtained fifty licenses for outlying towns within the limits of this district.

6. The system adopted in granting permits is as follows: The permit is in the form of a cheque book: the particulars entered on each of the parts are the name of brewer, quantity of beer, locality to which the beer is to be sent, and the time allowed for the permit to be in force, all, except those granted for places on the railway or beyond the district, being returnable to this office.

7. Applications bear a 1-Anna Court Fees Stamp. The time allowed for the permits to remain in force in the town of Bellary is about seven or eight hours; but, for the outlying towns, time according to the distance is allowed.

8. The accounts ordered to be kept by the brewers under the orders of the Board, conveyed in the said Proceedings, were examined by the Assistant Collector, Mr. Davies, in the month of December last, and the report furnished by him shows that they were correct with one exception, viz., that in each brewery one barrel in excess of the number the permits granted had been issued. This was, however, satisfactorily accounted for, and I have no reason to suspect that either of the brewers sends more beer away than his permits show.

9. The District Superintendent of Police has been furnished with the particulars of the number of licenses granted to the brewers and of the names of places where they have been licensed. The casks which are in use are obtained from the Commissariat Department, and each contains fifty-two Imperial gallons. The amount of excise duty collected on a single cask is Rupees 3-4-0.

10. The subjoined abstract shows the sales of the two breweries during the period under review:—

Months and Year.	Casks.	Gallons.	Excise.		
			RS.	A.	P.
July 1872...	46½	2,482	155	2	0
August " ...	64½	3,354	209	10	0
September " ...	77½	4,030	251	14	0
October " ...	83	4,316	269	12	0
November " ...	74½	3,874	242	2	0
December " ...	67	3,484	217	12	0
January 1873...	67	3,484	217	12	0
February " ...	76	3,952	247	0	0
March " ...	88½	4,602	287	10	0
April " ...	86	4,472	279	8	0
May " ...	74	3,848	240	8	0
June " ...	91½	4,758	297	6	0
Total ...	896	46,656	2,916	0	0

Out of these 896 casks or 46,656 gallons of beer the two manufacturers have sold 615 casks or 32,044 gallons of beer in the town of Bellary, and 186 casks or 9,672 gallons of beer have been sold by Messrs. Norton and Co. in the outlying towns of this district, and 95 casks or 4,940 gallons of beer have been transported to towns beyond the limits of this district.

11. Copies of the Proceedings of the Board of Revenue, dated 25th June 1873, on the subject of their beer containing a prohibited amount of alcohol have been furnished to the brewers for their future guidance.

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ENCLOSURE NO. 1.

Return showing the particulars of Total Collections under the Beer Excise System during the Revenue year, 30th June 1873.

MONTHS.	Messrs. D. and M. Abraham. — In the Town of Bellary. Casks.	Rate.	Excise.	Messrs. Norton and Co. — In the Town of Bellary. Casks.	Rate.	Excise.	In Towns within the limits of the District of Bellary. Casks.	Rate.	Excise.	In Towns beyond the limits of the District of Bellary. Casks.	Rate.	Excise.	Total No. of Casks sold by the two Brewers.	Quantity.	Amount.
1872.			RS. A. P.			RS. A. P.			RS. A. P.			RS. A. P.			RS. A. P.
July	16	Eight casks at Rupees 3-12-0 per cask, and the remaining at Rupees 3-4-0 per cask.	56 0 0	22½	Rupees 3-4-0 per cask.	73 2 0	8	Rupees 3-4-0 per cask.	26 0 0	...	Rupees 3-4-0 per cask.	......	46½	2,482	155 2 0
August	11		35 12 0	25½		82 14 0	15		48 12 0	13		42 4 0	64½	3,354	209 10 0
September ...	13		42 4 0	37½		121 14 0	19		61 12 0	8		26 0 0	77½	4,030	251 14 0
October	18		58 8 0	34		110 8 0	19		61 12 0	12		39 0 0	83	4,316	269 12 0
November ...	15		48 12 0	26½		86 2 0	25		81 4 0	8		26 0 0	74½	3,874	242 2 0
December	18		58 8 0	35		113 12 0	10		32 8 0	4		13 0 0	67	3,484	217 12 0
1873.															
January	16		52 0 0	28		91 0 0	18		58 8 0	5		16 4 0	67	3,484	217 12 0
February	13		42 4 0	35		113 12 0	14		45 8 0	14		45 8 0	76	3,952	247 0 0
March	18		58 8 0	48½		157 10 0	12		39 0 0	10		32 8 0	88½	4,602	287 10 0
April	19		61 12 0	45		146 4 0	15		48 12 0	7		22 12 0	86	4,472	279 8 0
May	16		52 0 0	45		146 4 0	7		22 12 0	6		19 8 0	74	3,848	240 8 0
June	15		48 12 0	44½		144 10 0	24		78 0 0	8		26 0 0	91½	4,758	297 6 0
Total ...	188	...	615 0 0	427	...	1,387 12 0	186	...	604 8 0	95	...	308 12 0	896	46,656	2,916 0 0

(Signed) J. H. MASTER,
Collector.

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From J. R. COCKERELL, Esq., Commissioner of the Neilgherries, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Ootacamund, 22nd August 1873, No. 73.

With reference to G. O., Revenue Department, No. 572, dated 4th June last, requiring a brief report for the information of Government on the working of the beer excise system generally on the Neilgherry Hills, I have the honour to state that there are on the Hills two breweries.

2. The larger of these breweries is situated in the Kaity Valley and is four miles from Ootacamund. This brewery belongs to a Mr. Honeywell, who was a Soldier in the 2nd European Light Infantry and purchased his discharge in 1844. He established the brewery in 1857 under a license granted by the Collector of Coimbatore. This license imposed no restrictions with respect to the alcoholic strength of the liquor brewed. The sole restriction was the limitation of the number of shops in which the beer could be exposed for sale. Mr. Honeywell established shops in Ootacamund, Kandal, Coonoor, and Kotagherry. His charges were 4½ Rupees a dozen for bottled beer in quarts and 4 Annas a quart for draught beer. In 1864 Mr. Honeywell established shops at Burliar and Wellington. The arrack contractors complained from the beginning of the privileges granted to Mr. Honeywell, but the complaints were ineffectual. In 1864 Mr. Honeywell received a license under Act III of 1864, and licenses were taken out for all the shops.

3. In 1869, for the first time, restrictions were placed on Mr. Honeywell in regard to the strength of the beer brewed. He was allowed only five per cent of alcohol. He had been accustomed to brew up to eight per cent.

4. Mr. Honeywell is unable to tell me his annual sales between 1857 and 1869. He kept memoranda but no books. Such of the memoranda as remain Mr. Honeywell has produced, but they convey no information either to Mr. Honeywell himself or to me. Mr. Honeywell explains that books are not essential to his business because the business is for ready money. He is no great penman, and, therefore, has always found it easier to keep his current accounts in his head than to record them on paper. The magnitude of the business at present, however, requires books of the sales, and these are regularly kept.

5. When restrictions were imposed in 1869 Mr. Honeywell's sales fell off largely. Mr. Honeywell then reduced the charge for draught beer to 2 Annas a quart. He ceased to bottle beer at all. On the reduction of prices the sales again rose gradually.

6. Last year the excise system was adopted. Mr. Honeywell, by G. O., dated 9th April 1872, No. 578, Revenue Department, was allowed to brew up to eight per cent alcohol, and a duty of 1 Anna per gallon was imposed. Mr. Honeywell's sales since have been as under:—

Months and Year.			Gallons.	Excise.		
				RS.	A.	P.
July	1872	...	5,455	340	15	0
August	"	...	7,938	496	2	0
September	"	...	4.953	309	9	0
October	"	...	7,219	451	3	0
November	"	...	5,251	328	3	0
December	"	...	7,089	443	1	0
January	1873	...	6,282	392	10	0
February	"	...	7,263¼	453	15	3
March	"	..	8,712	544	8	0
April	"	...	5,163¼	322	11	3
May	"	...	7,260	453	12	0
		Total...	72,585½	4,536	9	6

7. Mr. Honeywell's sales were expanding. He told me that he expected the consumption of beer in Madura would reach 100 hogsheads a month and the sales would be large in Trichinopoly, Vellore, and Cuddapah, where he had recently established shops; but the abkarry contractors of the places in question complained of the introduction of beer as injuriously affecting the sale of arrack, and the shops were closed in pursuance of the Government Order under report. Mr. Honeywell informs me that by this Order his sales have been diminished about 100 hogsheads a-month.

8. I should state here that a hogshead contains fifty-four gallons. I explained in a letter in Proceedings of the Board, No. 494, dated 1st April 1873, that there could be no fraud as to quantities with respect to Government, because Mr. Honeywell bought his hogsheads from the Commissariat at Wellington and it was his interest under the excise system to fill them to the bung. The Board desired I should satisfy myself the hogsheads were as I described them by unexpected visits to Mr. Honeywell's brewery. I have paid such visits, and found the hogsheads to be Commissariat hogsheads, and, moreover, that Mr. Honeywell has no means of making casks on his premises or on the hills, and, therefore, the hogsheads he uses are the cheapest he can procure. They each cost Rupees 5-4-0.

9. In my letter in the Board's Proceedings in question I reported that Mr. Honeywell had a book of marked cheques, and that he sent a cheque with each consignment of beer for the

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Hills and entered the quantity on the counterfoil, despatching the counterfoils to my office at the end of every month. I stated I had compared the counterfoil with the books of the consignee and found them tally. The Board desired the consignee, as a further check, should be required to send the cheques to my office on receiving consignments. This is now done.

10. With regard to foreign sales, I stated: "The beer is covered by special passes issued for each consignment on each occasion. These cheques are in triplicate—one remains in this office, one covers the beer in transit, and a third this office sends to the Police here."

11. The next point is the quality of Mr. Honeywell's beer. I visited Burliar unexpectedly at Easter and drew off a bottle of beer from the cask on tap. This bottle I sealed up, and, from an inadvertence, I kept it until lately, when Mr. Broughton, at my request, was so good as to analyze the beer. The following is his report:—"It contains 7·09 per cent of alcohol, and is abominable stuff; but it certainly is not drugged at all. It would be bad for both stomach and head of an European, but contains nothing necessarily unwholesome." Some allowance must be made in this case for the time the beer was kept in an imperfectly-corked bottle. Had Mr. Broughton analyzed it when it was fresh he would possibly have found reason to give a better account of it.

12. The Board, in their Proceedings above quoted, directed that analyses of beer should be made from time to time. The precaution is necessary not only to ascertain the alcoholic standard but in justice to drinkers, as the Board are aware there are depreciatory reports alleging the beer to be abnormally intoxicating from the presence of poisonous ingredients. These reports are current not only in Ootacamund but with regard to beer manufactured and sold at Bangalore according to Mr. Honeywell's receipts by a son-in-law of Mr. Honeywell. The Bangalore brewery turns out, Mr. Honeywell tells me, more beer than he is at present able to sell.

13. With regard to the quantity of beer for which he could find customers Mr. Honeywell believes that if he was allowed to find his own market in the plains free from the interference of abkarry contractors he would create a very considerable trade. He says that even his bottled beer is coming into favour, and that if he was certain no restrictions would be placed on him as to markets he would improve the quality and bring it also into extensive consumption.

14. The other brewery on the Hills is that belonging to a Mr. Frend, who was formerly a Lieutenant in the Army but has long been resident at Ootacamund. Mr. Frend's brewery is near the Marlimund Reservoir. His sales are appended:—

Months and Year.			Gallons.	Excise.		
				RS.	A.	P.
July	1872	...	432	27	0	0
August	"	...	378	23	10	0
September	"	...	594	37	2	0
October	"	...	378	23	10	0
November	"	...	270	16	14	0
December	"	...	378	23	10	0
January	1873	...	378	23	10	0
February	"	...	540	33	12	0
March	"	...	864	54	0	0
April	"	...	810	50	10	0
May	"	...	702	43	14	0
	Total...		5,724	357	12	0

The reason the sales are smaller than the sales of Mr. Honeywell may be attributed to Mr. Frend being an amateur while Mr. Honeywell is a professional brewer. Mr. Honeywell is the son of a country brewer, and was sent by his father to learn his business in a brewery at Salisbury.

Submitted to Government as required in G. O., dated 4th June 1873, No. 572, Revenue Department.

2. It is clear that Mr. Honeywell's beer is coming into very extensive use, and that, when the restrictions which it has been necessary, in justice to the abkarry renters, to impose are withdrawn, this beer and that of other similar establishments will pass into general consumption among the native population in large towns. Opinions vary as to the quality of the liquor, but the Board apprehend no serious objection on the score of its unwholesomeness, which may be easily tested from time to time in a more efficient manner than that adopted by the Commissioner. The Board regard it as an advantage for revenue convenience that the duty is levied as an excise, and, if the beer takes the place of toddy, as it ultimately may be expected to do in some places, the system now in force will correspond with that followed at the distilleries already licensed. Collectors will be instructed that in future, when abkarry farms are to be sold, they should duly notify that the sale of beer will be allowed.

3. It is observed that the Collector of Bellary states that the casks used there are held to contain fifty-two Imperial gallons and the

contents are excised accordingly. The Board observe that the hogshead properly contains fifty-four Imperial gallons. The Collector is requested to inquire on this point.

Order thereon, 1st December 1873, No. 1,326.

The experimental system of charging an Excise-duty of 1 Anna per gallon upon all country-brewed beer appears to have worked satisfactorily during the past revenue year.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

MADRAS ABKARRY LAW—WHOLESALE DEALERS RETAILING UNDER COLOR OF SAMPLE BOTTLES.

Proceedings of the Madras Government, Revenue Department, 19th February 1874.

Read the following letter from J. GROSE, ESQ., Secretary to the Board of Revenue, to D. F. CARMICHAEL, ESQ., Secretary to Government, Revenue Department, dated Madras, 5th February 1874, No. 224:—

I AM directed to submit that in the Board's opinion an alteration in the law is necessary with regard to Wholesale Dealers in European Spirits, Wine and Beer in the town of Madras.

2. Under Section 5, Act XIX of 1852, sales of European Spirits to the extent of one dozen quart bottles, and of Beer or Wine to the extent of six quart bottles are accounted wholesale sales, and under Section 4 Wholesale Dealers may sell smaller quantities if such quantities appear to the Collector to be intended only as samples. Wholesale Dealers need not take out an Abkarry license.

3. Retail Dealers, on the other hand, must take out a license and the question whether such a license should be issued is determined chiefly with reference to Police considerations, such as the character of the applicant, and the locality where it is proposed to set up the shop.

4. As the law stands any one wishing to be a Retail Dealer who has been refused a license or anticipates a difficulty about getting one, sets up a shop under the pretence of being a Wholesale Dealer, and sells by retail under the color of selling samples, whilst he avoids all Police surveillance.

5. The table given by Mr. Blair, in paragraph 14 of the letter recorded, with Board's Proceedings, dated 19th September 1873, No. 1,877, shows that this state of things has had the natural result. In 1866 there were 91 places of retail vend for which licenses had been issued, and 226 Wholesale Dealers. In 1873 the Retail Dealers had decreased to 77, whilst the Wholesale Dealers had increased to 449. Most of these so-called Wholesale Dealers were Retail Dealers in disguise.

6. Mr. Blair tried to stop this evasion of the law by ordering that not more than a half pint bottle of spirits should be sold as a sample, but the only effect of this was to make the *pseudo* Wholesale Dealers lay in a stock of half pint bottles.

7. He then applied to the Board for authority to notify that all sample sellers must hold a retail license. The Board thought the difficulty might be met in this way, and allowed the notification. Their Proceedings were submitted to Government, and recorded in G. O., dated 12th December 1873, No. 76, Revenue Department, but in their Order of the 21st January, No. 94, Government ruled that "Wholesale Dealers should not be required to obtain retail licenses as a condition of exercising their legal privileges in respect to the issue of samples."

8. This being decided, the Board are strongly of opinion that the law should be altered so as to make it necessary for Wholesale Dealers as well as Retail Dealers to obtain a license from the Collector. Papers which have already been submitted to Government show that Revenue as well as Police considerations are involved.

Board's Proceedings, dated 9th June 1873, No. 965.
Board's Proceedings, dated 19th September 1873, No. 1,877.

Order thereon, 19th February 1874, No. 224.

It is observed that a so-called "wholesale" dealer, selling by retail under the color of selling samples, is liable to a fine not exceeding 500 Rupees for each such sale. It has not yet been shown that it is impossible to work this provision of the law; there should be no insuperable difficulty in detecting such cases, the Abkarry Department under the Collector taking concerted action with the Police for the purpose.

(True Extract.)

(Signed) D. F CARMICHAEL,
Secretary to Government.

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Offer of Rice by Maharajah of Vizianagram for famine in Bengal.

Proceedings of the Madras Government, Revenue Department, 9th March 1874.

Read the following letter from J. R. DANIEL, Esq., Acting Collector of Vizagapatam, to the Hon'ble W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated 19th February 1874, No. 213 :—

The Maharajah of Vizianagram has written to me offering to place at the disposal of Government rice to the value of Rupees 20,000 to be distributed in the famine-stricken districts of Bengal.

2. I have the honour, therefore, to request the orders of Government regarding the acceptance of the generous gift of the Maharajah.

3. The Maharajah offers a further gift of rice to the value of Rupees 20,000 in the event of the distress in Bengal increasing.

4. The Maharajah informs me that he will place the rice at the disposal of Government at Vizagapatam or Bimlipatam or any place where Government may be pleased to receive it. If it were delivered at Bimlipatam it would be ready for immediate shipment.

5. I must mention that I anticipate difficulty in shipping large quantities of rice by the ordinary steamers of the B. I. S. N. Company; the Agents in Calcutta have informed me that they cannot guarantee tonnage, so that it may be necessary to send a special steamer for the conveyance of the rice.

Order thereon, 9th March 1874, No. 327.

Recorded; the offer having been already accepted and arrangements made for the shipment of the rice.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

Remission of Fees on Summary Suits in Revenue Courts—Act VIII of 1865.

Proceedings of the Madras Government, Revenue Department, 14th March 1874.

Read the following endorsement of the Under-Secretary to the Government of India :—

Financial Department.

(Separate Revenue—Stamps.)

Fort William, 6th March 1874.

No. 1,511.

Notification.

In exercise of the powers conferred by Section 35 of the Court Fees Act VII of 1870, the Governor-General in Council is pleased to remit the whole of the fees chargeable under Schedule I of the said Act on plaints in summary suits brought before Collectors under Madras Act No. VIII of 1865.

(Signed) R. B. CHAPMAN,

Secy. to the Govt. of India.

Copy forwarded to the Government of Madras, with reference to their letter, No. 137, dated 30th January 1874.

(By Order, &c.)

(Signed) D. BARBOUR,

Under-Secy. to the Govt. of India.

Order thereon, 14th March 1874, No. 345.

Communicated to the Board of Revenue with reference to G. O., 30th January 1874, No. 136.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

Condition of the Ganjam District.

Proceedings of the Madras Government, Revenue Department, 14th March 1874.

Read the following Proceedings of the Board of Revenue, dated 6th February 1874, No. 233 :—

Read the following letters :—

From the Collector of Ganjam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sarungo, 8th December 1873, No. 3,010.

As directed in the Board's endorsement, dated 11th July 1872, communicating G. O., dated 1st idem, No. 1,017, I have the honour to submit the Annual Report on the condition of this district and on the progress of the measures intended for its amelioration for the Official year 1872-73.

2. The condition of the district was good during the year under report. Rain was abundant, and the harvest generally excellent. There was some loss of crops here and there, and some damage to Public Works from floods; but, on the whole, the year was decidedly a good one. Prices fell and the staple articles

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were within the reach of the means of all classes.

3. The most important of the difficulties which the district labours under, and which causes occasional failure of crops and consequent distress is the want of sufficient means for irrigation.* The remedies intended to supply this defect are the Rushkuliya project and the Malluda Tampara or Korokorei projects.

* *Vide* Mr. Thornhill's report, dated 10th February 1872, recorded in G. O., 29th February 1872, No. 353.

4. The design for the former project has been formed by the Department Public Works, and information as to the particulars of land which is to be irrigated thereby, and the revenue which will depend thereon, is yet to be furnished by me. There are two sets of voluminous statements to be prepared, one for the Department Public Works, with reference to the requisitions from that department (*vide* Captain Beckley's letter, dated 10th February, No. 294, forwarding an extract (paragraphs 30 and 31) from the Chief Engineer's memorandum, dated 11th December 1869, No. 320; and Superintending Engineer's letter, dated 7th September 1870, No. 1,958, forwarding Chief Engineer's memorandum, dated 22nd August 1870, No. 185); and another for submission to the Board, with reference to their Proceedings, dated 13th December 1870, No. 7,098. The necessary details for the former have all been received from the taluks, and the tabulation thereof has been very nearly completed. I hope to send them off within a very short time. As regards the statements to be sent to the Board, the necessary details have lately been received from the Gumsur Taluk, but those from Berhampore are still due. I have sent urgent reminders, and expect that no unnecessary delay will hereafter occur. I am sorry there has been such delay in the furnishing of these details.

5. As to the Mallada Tampara or Korokorei project the designs of Captain Beckley have, not very long ago, been received, and the necessary information as to the revenue details is being tabulated by the Berhampore Tahsildar. I expect to have it ready ere long. The Tampara is situated in the Beridi Zemindary, and the channels proposed to be extended and newly dug are in that as well as in the Humma Zemindary. The work will benefit a great part of the zemindary land, and the Ganjam Town and the lands about it. Some doubts exist as to the feasibility of this project, and they will be cleared on the receipt of the information which I am gathering.

6. Another evil which causes occasional carcity and which Mr. Thornhill emphatically spoke about in his report, above quoted, is the imprudent system followed by the agricultural class of cultivating with paddy crop rain-fed lands destitute of any artificial means of irrigation. The success of such paddy cultivation is precarious, owing to the uncertainty of the north-east monsoon which occasionally fails to the detriment of the growing wet crops: whereas if the ryot contents himself with raising a dry crop on such lands, he would be almost sure of success. If we expect at all to induce the ryot to change this pernicious habit, we must first begin by doing away with the existing classification of all rain-fed low lands as "wet," and by transferring them to the head "dry." I have had the subject under consideration, but found it impossible to effect an immediate change. There are very many cases in which rain-fed lands originally cultivated with dry crops were in past years transferred to the head "wet" and assessed as such, solely in consequence of its having been cultivated with a paddy crop, though without any means of artificial irrigation, so that the pernicious system in question has thus all along not merely been passively ignored but actually countenanced. It is no easy task to undo all such transfers effected in past years and retransfer the lands concerned to the head "dry," and I can see no alternative but to defer the matter for solution by the Settlement Department. During the last jummabundy, however, of the Berhampore Taluk, I put a stop to the former practice by refusing to transfer to "wet" or to impose any additional assessment on rainfed lands newly cultivated with paddy crops and by imposing tirwajasti or additional assessment only in such cases where the land was converted into wet by means of any Government source of irrigation. In the latter case, the land has been retained under the head "dry" the additional assessment being levied as a distinct item. The Settlement Department has now commenced its operations in the sub-division of the district, and the remedy for the aforesaid evil is not therefore far off.

7. Model farms conducted on an efficient scale may possibly have a good effect on the peasantry as illustrating the actual results which can be reaped by an efficient system of cultivation. An inhabitant of Russelcondah has lately been sent to Madras to be trained as an apprentice, and eventually to be sent back here to superintend Model farm. The success of this undertaking must be tested by the result.

8. The well-being of this district, especially in times of scarcity, much depends upon resources of the Pooree and Cuttack Districts of the Bengal Presidency adjoining. It is, as the Board are aware, the abundant importation of paddy from those districts that kept the markets of this district well supplied in the

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years 1871-72 when scarcity was threatened. I have, therefore, in communication with the Commissioner of Cuttack, arranged for the periodical Price Currents and Season Reports of those districts being regularly furnished to me, with a view to keep myself informed of their condition and prospects. I have been receiving these reports regularly since the middle of the year under report.

9. The Chilka Canal up to Ganjam affords additional facilities for the importation of grain, &c., from Cuttack. The canal has been deepened and thereby improved from the funds sanctioned for the purpose during the time of the apprehended scarcity in 1871-72.

10. It has not, however, been much used by traders, communications for internal traffic are not wanting in this district, the principal places being connected by good roads. Some deficiencies, however, still exist. The road from Aska towards Ichapur through the Zemindaries of Dharakota, Sergada, Chinna Kimidi, Pedda Kimidi and Chekati in the principal division, and the road from Alikam (near Chicacole) to Hiramandalam (half way between Battili and Chicacole) in the sub-division, have been well nigh completed. The Local Fund Board, Chetterpore Circle, have lately determined to open a new line from the bridge on the Mahendra Tanaya river on the Trunk Road to Goppili, in Parla Kimidi Estate, *viâ* Mandasa, thus connecting the Kimidi Road system with the northern part of the district.

11. The employment of Oriyas has not progressed to any appreciable degree. Scarcely any Oriya passes the requisite examination. The Oriya language has lately been declared an official language of the district, equally with Telugu; and the Local Fund Boards have devised measures for the diffusion of Oriya education by making Oriya an essential study in their schools. There is thus a prospect of progress in this respect. Mr. Maltby, the Assistant Collector, has passed both the colloquial and high proficiency tests in Oriya, and he can freely and directly communicate with the people in general, and personally learn their wants.

Official Memorandum from L. A. CAMPBELL, Esq., Acting Under-Secretary to Government, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Fort St. George, 29th January 1874, No. 16.

ABSTRACT.—Requesting Board to expedite reply to Government Order calling for a special annual report on condition of Ganjam District.

This report on the state of the Ganjam District in 1872-73 and on the progress of the various measures introduced for its amelioration, prepared in accordance with the instructions of the Secretary of State, will be submitted for the information of Government.

2. The condition of the district was decidedly good, though cholera appeared in the first part of the year and fever was more prevalent than usual. The seasons were favourable, but there was some damage done by inundations. Prices fell.

3. The collection of the statistics which must be prepared before the Rushkuliya and Korokorei projects can be commenced proceeded slowly. The precarious cultivation of paddy in places where grains that require no irrigation would be comparatively secure was discouraged by refusing to rate unirrigated land which pays a low assessment in all seasons, as irrigated land which pays a high assessment when a crop is grown and nothing when there is no crop. A man was sent from the district to learn agriculture at the Government Farm near Madras. The Collector placed himself in free communication with Pooree and Cuttack, and arranged to have Statements forwarded to him from time to time showing the prices prevalent there and the character of the season. The communications were good, two new roads were nearly completed and one was projected. Oriya became one of the official languages, and one of those recognized in the University examinations: the Local Fund Boards did a little in the way of encouraging the study of Oriya, and Mr. Maltby, the Assistant Collector, studied it sufficiently to pass a difficult examination and to enable him to converse freely with the people.

4. The Board regret that the Rushkuliya Returns are still incomplete. They are aware of the great labour involved in preparing them, but trust that everything will be done to overcome the dfficulty as soon as possible. It is most important to the district that a decision as to this scheme should be arrived at. The Returns which relate to the Korokorei project should also be expedited.

5. The principle adopted by Mr. Master that all land watered only by direct rain-fall should be rated as unirrigated land is sound, and the action taken by him, which is described in paragraph 6, is approved. It is obvious that no very great progress can be achieved pending the introduction of the new settlement, but the Deputy Director who is now in the district must give special attention to the subject, and he must communicate freely with the Collector before coming to a general conclusion on this or any other settlement question of moment.

6. The Board are glad to find that there is free intercourse between the Collector and the

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authorities of Orissa. The provinces are very intimately connected.

7. The Collector should direct the attention of the Local Fund Boards to the desirability of connecting the road system of Ganjam with that of the interior. The letter recorded with G. O., dated 18th June 1873, No. 1,587, Public Works Department, shows that the authorities of Raipur are alive to the importance of opening out communications with the coast.

8. The reports of the Local Fund Board for 1872-73 only mention 134 Elementary schools attended by about 3,360 boys as being under the inspection of Educational officers. The Census Report shows that the population of the district (exclusive of the Maliah villages) is 1,388,976, and the number of boys between 6 and 12 years of age 1,27,688, so that it cannot be said that the Local Fund Boards have done much for the education of the district at present. It is, however, satisfactory that they have recognized the special importance of having Oriya taught in the schools. Mr. Maltby deserves great credit for having led the way in becoming acquainted with the language of the Oriyas, the number of whom, in the low country, appears from the Census to be 3,83,135.

9. An interesting Statement has been prepared in this office and is herewith submitted which shows the Oriyas divided according to castes.

Memorandum of the Particulars of the Oriya Population in the Ganjam District, as shown in the Census Schedules written in the Oriya language.

Caste.	Population.
I.—Brahmins (Priests.)	
Odiya Brahmins	31,673
II.—Kshatriyas (Warriors).	
Kshatranta	127
Bhaipo or Sauts	105
Rantura	116
Majhee	495
Total...	843
III.—Chetties (Traders).	
Odiya Komaties	1,563
IV.—Vellalar (Cultivators).	
Aliya	11,889
Aruva	7,069
Aruva Capu	1,172
Bellama	6,387
Bosantiya	1,422
Bolasi	5,682
Chudayati	2,610
Doluna	7,190
Kolata	1,800
Kempo	3,321
Kudumo	7,080
Molasa Podiya	2,150
Potiya	1,830
Total...	59,602
V.—Other good Castes.	
Pandita	3,412
Bolidhia Telli	2,052
Bhyshnava	265
Nuniya	615
Odiya	16,002
Total...	22,346
VI.—Adayars (Shepherds).	
Gondu	39,561
Apata Gondu	4,013
Battuva Gondu	2,714
Sollakhoddiya Gondu	1,027
Gondu Halisa	915
Baisya Golla	414
Gondu do.	5,639
Total...	54,283
VII.—Kammalan (Artizans).	
Asari	7,666
Astalohi	1,383
Korti	313
Muli	1,313
Podhiriya	415
Khodra	5,614
Pundara	66
Vostale	7
Sonkari	518
Kansiya	158
Boniya	4,203
Total...	21,656

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Caste.	Population.
VIII.—Kanakkan (Village Accountants).	
Bommali Karanam	1,615
Baisya do.	1,342
Majjula do.	5,638
Mahanti do.	3,325
Odiya do.	1,450
Total...	13,370
IX.—Kaikalar (Weavers).	
Tonti	699
Koli	456
Tera	220
Tohoro	894
Total...	2,269
X.—Vanniyan.	
Nil.	
XI.—Kusavan (Potters).	
Kumbhoro	9,956
XII.—Satani (Mixed Castes).	
Nagavamsam	2,905
XIII.—Sambadavan (Fishermen).	
Mila	493
Khandra	1,822
Kevuto	16,899
Tairo	1,246
Noliya	231
Khotiya	31
Total...	20,722
XIV.—Shanan (Toddy-drawers).	
Segadi	20,276
Sondi	12,785
Sailo	443
Total...	33,504
XV.—Ambattan (Barbers).	
Bondari	2,436
XVI.—Vannan.	
Odiya Sakala	1,883

Caste.	Population.
XVII.—Others.	
Amayatam	134
Avarta	8
Arisa	1,553
Gudiya	9,104
Kalukuntla	2,187
Mali	1,134
Muni	2,036
Matiya	1,543
Magura	3,995
Pondara	15,768
Pachiliya	923
Ponnadilu	1,618
Potrasuniya	2,176
Ravulo	6,612
Sipiti	2,318
Samiyalu	2,617
Tollari	6,786
Tulabhena	1,314
Haigudiya	2,310
Total...	64,136
XVIII.—Pariahs.	
Arisa Mala	633
Gosangi	1,165
Arisa Paidi	783
Dombo	617
Pane Dombo	312
Ghasi	600
Bavuri	26,177
Arisa Dandasi	937
Chitra Ghasi	1,709
Samantiya	4,822
Bhairi	2,183
Total...	39,988
Grand Total...	383,135

NOTE.—The above population is exclusive of that of Malaya villages.

(Signed) J. GROSE,
Secretary.

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Minute by the Hon'ble W. ROBINSON, C. S. I.
(Here enter 7th March 1874).

Order thereon, 14th March 1874, No. 343.

Despatch, No. 19, dated 15th May 1872.

This report is a response to the instructions of the Secretary of State, who, subsequently to the last disastrous season in Ganjam, desired to be furnished with an annual narrative of the condition of the District.

2. The two irrigation projects of primary importance,—the one depending on the waters of the "Rushkuliya" river, and the other on the Tampara or natural lake called "Mallada,"—are, it is observed, still delayed for want of accurate information respecting the anticipated returns of revenue. The Collector, however, states he will shortly be able to supply these *data;* the delay in furnishing which, the Government presume, has been unavoidable, as the Board give no opinion to the contrary. They desire that no further delay be allowed in the matter.

3. Another circumstance which he considered a source of occasional distress was pointed out in Mr. Thornhill's special report, viz., "the imprudent system followed by the agricultural class of cultivating, with paddy-crop, rain-fed lands destitute of any artificial means of irrigation." Owing to the *generally* abundant rain-fall of the district, such as has happily been the case for the period now under consideration, many years would pass during which a succession of highly favourable seasons appeared to justify the course taken by these ryots; but it seems that it has been the uniform practice of the Revenue authorities to class such lands as "wet," thus encouraging the system; the ryot finding it necessary to grow paddy instead of some of the "dry" grains, in order to meet the higher assessment under which his land was brought. The Board of Revenue have properly desired the Settlement Department now working in the district to give special attention to the subject in revising the assessments. Meanwhile, they have directed that no further extension of the system be permitted. This is in accordance with the correct principles which regulate the assessment of land; but if, as seems to be the case, the cultivation of "wet" crops is more profitable than the cultivation of dry crops, the ryots are not likely to abandon their present system, and they must obviously be left free to act as they deem best for their own interests.

4. As for communications, the district of Ganjam is exceptionally well off. It should be specially inquired and reported, however, why the *canal* (constructed in the late famine) connecting the port of Ganjam with the Chilka lake is "not much used by traders," who still land the grain they bring in boats from Cuttack at Rambha on the shores of the lake, and thence,—so far as it is carried south,—despatch it on bandies along the trunk road, instead of availing themselves of the extended water-carriage to Ganjam. The principal wants of the district, in completion of the net-work of roads, are no doubt *bridges* across the Ganjam and Calingapatam rivers, for which plans and estimates have frequently been prepared, but laid aside for want of funds.

5. Turning to the educational requirements of the district, it is satisfactory to find that some progress may now be expected; special efforts have been made to attract the youth of the Oriya population, which represents about one-fourth of the whole, and has been hitherto contented to see all the offices of the country in the hands of the Telugus.

(True Extract.)

(Signed) L. A. CAMPBELL,
Ag. Under-Secy. to Government.

TIRWAJASTI, OR WATER RATE, SUBJECT TO REPORT AFTER TWO YEARS.

Proceedings of the Madras Government, Revenue Department, 25*th March* 1874.

Read the following Proceedings of the Board of Revenue, datad 15th November 1873, No. 2,328 :—

Read the following replies of Collectors to Board's Proceedings, dated 10th June 1872, No. 955.

From the Aating Collector of Vizagapatam, dated 12th August 1872, No. 915.

From the Acting Collector of Godavery, dated 10th July 1872, No. 212.

From the Acting Collector of Kistna District, dated 17th July 1872, No. 1,898.

From the Collector of Nellore, dated 2nd August 1872, No. 1,835.

From the Acting Collector of Bellary, dated 3rd August 1872, No. 262.

From the Collector of Cuddapah, dated 9th August 1872, No. 131.

From the Collector of Cuddapah, dated 24th January 1873, No. 8; recorded in Board's Proceedings, dated 1st February 1873, No. 139.

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From the Collector of Kurnool, dated 6th July 1872, No. 198.

From the Acting Collector of Chinglepnt, dated 1st August 1872, No. 324.

From the Acting Collector of North Arcot, dated 20th September 1872, No. 461.

From the Acting Collector of North Arcot, dated 14th April 1873, No. 222; recorded in Board's Proceedings, dated 23rd April 1873, No. 631.

From the Acting Collector of South Arcot, dated 15th August 1872, No. 255.

From the Acting Collector of South Arcot, dated 16th December 1872, No. 408.

From the Officiating Collector of Tanjore, dated 14th August 1872, No. 304.

From the Officiating Collector of Tanjore, dated 16th December 1872, No. 450.

From the Collector of Tinnevelly, dated 24th July 1872, No. 317.

From the Commissioner of the Neilgherries, dated 11th July 1872, No. 80.

From the Collector of Coimbatore, dated 6th January 1873, No. 1.

From the Acting Collector of Trichinopoly, dated 24th October 1872, No. 227.

From the Collector of Salem, dated 6th November 1872, No. 273.

From the Acting Collector of Madura, dated 27th February 1873, No. 57; recorded in Board's Proceedings, dated 3rd April 1873, No. 520.

From the Collector of South Canara, dated 9th April 1873, No. 491; recorded in Board's Proceedings, dated 24th April 1873, Miscellaneous, No. 2,484.

From the Collector of Malabar, dated 6th October 1873, No. 223.

With their Proceedings, dated 10th June 1872, No. 955, the Board circulated for the remarks of Collectors a set of rules for the levy of tirwajasti which were to be made applicable to all districts, except those on the West Coast, Ganjam, Vizagapatam, Madura, and Tinnevelly. The Collectors of the four last-mentioned districts were desired to submit sets of special rules for their districts.

2. The Collector of Ganjam has not yet replied to this call. The Collector of Madura proposed that the system in force should not be changed, and the proposal was approved in Board's Proceedings, dated 3rd April 1873, No. 520.

3. The Collector of Tinnevelly submits certain special rules for his district. The rates have always been high, and the Collector's rates are higher than those of the Board, inasmuch as they provide an equal charge for first and second crop, on the ground that the Kar, which will be the second crop according to the Settlement, is more remunerative than the Pishanam crop. The Collector proposes half rates instead of three-fourths for water raised by baling. No provision is made for differential rates for dry or garden-crops. The IVth and Vth rules apply to water-rate on second crop in irrigated lands, and are out of place in tirwajasti rules. Mr. Puckle says nothing as to the suitability of the Board's Rules II, III, IV, and V to his district. It is possible that dry lands cultivable with two wet crops would more properly be classed as nunjah, and, if so, the question of second-crop charge would be got rid of. The Collector's attention is called to this point and to the omissions above noted, and he is requested to report further. Meanwhile, no change in existing charges should be made.

4. From Vizagapatam it is reported that the Board's rules will suit, but the rates proposed for first and second wet crops are 25 per cent lower than the Board's rates, and for garden-crops a charge of Rupees 5, instead of Rupees 6, is proposed. These rates may be allowed for all but first-class tank and channel irrigation as proposed below.

5. In Tanjore it has been the practice to levy a moderate but uniform rate of tirwajasti. The system of river-channel irrigation is so widely extended that a charge for tirwajasti is of rare occurrence. There is no need to disturb existing practice, and the Board's rules will be declared inapplicable to this district. It appears from the other reports that, with certain modifications to be noticed below, the Board's rates are generally accepted.

6. Important distinctions are suggested in the reports of the Collectors of Bellary and Godavery. The former officer suggests that the Board's rates might be applied to land irrigated from sources which are regular and to be depended on, but that for irrigation from ordinary rain-fed tanks and other sources the charge should be 25 per cent less. The distinction as to the value of sources of irrigation is obviously fair and equitable, and the principle should be applied in all districts to which the rules apply. The Collectors should cause lists to be drawn up showing all sources which, in their opinion, should be ranked as first class,

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and the higher scale of rates should be applied to them only.

7. The Collector of Godavery points out that water derived from drainage channels or from the drainage of other lands is of much less value for irrigation, as being uncertain in quantity, devoid of fertilizing river-silt, and frequently charged with saline ingredients. He, therefore, proposes a differential charge. The Board accordingly propose that for drainage water in deltaic tracts the charge shall be one-half the full rates according to class of source. The same water-rate rules (sanctioned in G. O., 16th June 1873, No. 617) are applicable to the deltas of the Kistna and the Godavery, and have superseded those to which the Collector of the latter district refers, when he states that Rupees 8 in all is charged and paid for two crops irrigated in dry land. The rules now in force do not seem to authorize the charge of Rupees 4 on a second crop in dry land, as Clause 2, Rule, I, is expressly made applicable to irrigated land only; but however the Board's rates may contrast with those in force, these wholly exceptional tracts should be excluded from the operation of the Board's rules, which will be confined in those districts to the non-deltaic tracts.

8. In Cuddapah and South Arcot the existing practice is to charge only once a single payment of water-rate on dry land covering two crops. The rate is Rupees 5 per acre in the principal division of Cuddapah, and Rupees 4 in the sub-division; and in South Arcot the rate is Rupees 5 per cawny, or nearly Rupees 4 per acre. The Collector of Cuddapah thinks the charge in the principal division too high. The Board do not wish to enhance existing charges, and will, therefore, make no change whatever in South Arcot; and they permit the Collector of Cuddapah to make no charge for second crop and to levy Rupees 4 per acre throughout the district pending settlement. Mr. Sullivan should address the Board separately as to the charge for second crop on wet land when the data, which were being collected by his predecessor, are completed.

9. The Board assent to the proposal of the Collector of Kurnool to charge half rates for dry crops irrigated.

10. North Arcot has already uniform rates lighter than those proposed by the Board, except in certain villages transferred from South Arcot. The Board do not wish to enhance rates, and, therefore, no change will be made pending settlement, except that the transferred villages should be allowed to pay the same rates as the rest of the district.

11. There appears to be no objection to the introduction of the Board's rates into Salem, Coimbatore, Kistna, Nellore, Trichinopoly, and Chingleput. The Collector of the last-named district is of opinion that, owing to poverty of soil, the Board's rates should be reduced 25 per cent throughout the district, so as to be equal to the charge paid to the villages transferred from North Arcot. The relaxations of rule where the irrigation is inferior, which the Board have now approved, will probably meet the case of this district. The Collector does not say that the Board's rates are in excess of those now paid, except in the North Arcot villages.

12. Some Collector's consider that the levy of three-fourths of full rate for land irrigated by means of mechanical appliances is too high. One-fourth of water-rate is the reduction allowed on this account in wet land by the Settlement Department, and, with the other relaxations now proposed, the Board think it sufficient.

13. The second rule which makes the whole field chargeable, unless the settling officer sees fit to relax it when the fields are large, must, the Board think, be abandoned, and the charge must be made on the actual area, the limit of one acre for fractional parts being reduced to half an acre. The rule is modified accordingly in the draft appended to these Proceedings. This will obviate the difficulty about charge in case of joint-holders.

14. Rules III and IV remain without alteration. To Rule V some objections are urged, but the Board do not think they have much force, and would retain it, merely striking out the portion requiring special report to the Tahsildar, which seems unnecessary.

15. The original rules proposed by the Board were intended merely to introduce some order where there is now confusion, but did not aim at absolute uniformity or at increase of taxation. They have accordingly now proposed relaxations where these appeared to be necessary, in deference to the opinions of the Collectors, some of whom thought the Board's rates too high. The financial effect cannot be exactly calculated beforehand, and, if the Board's present proposals are approved by Government, for whose sanction they are now submitted, the operation of the new rates must be carefully watched.

Order thereon, 25th March 1874, No. 384.

Approved and confirmed accordingly. Report, with financial results, should be made to the Board after two years' trial.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

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